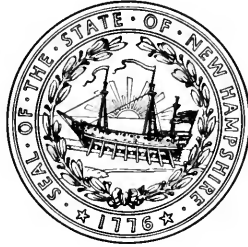


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NEW HAMPSHIRE GENERAL COURT



JOURNAL of the HOUSE OF REPRESENTATIVES 1979 Session December 6, 1978 to June 28, 1979

GEORGE B. ROBERTS, JR.
SPEAKER

JAMES A. CHANDLER
CLERK

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HOUSE JOURNAL 1

Wednesday, 6Dec78

The House met at 1:00 a.m.

On the first Wednesday in December in the year of our Lord, one thousand nine hundred and seventy-eight, being the day designated by the Constitution for assembling of that body, the one hundred and forty-sixth General Court of the State of New Hampshire convened at the Capitol in the City of Concord, the representatives-elect were called to order by James A. Chandler, Clerk of the House for the preceding session.

Prayer was offered by Rev. Milton L. Smith, Sr.

Let us pray:

Good afternoon God. Thank You for the gifts of life and time, for all the privileges and responsibilities that are ours this day. Help us to use - not abuse - both wisely and well, in serving You and our State and the people of our State.

Guide us with the truth that anything morally wrong can never be socially, economically, religiously, governmentally or politically right nor "ought to pass". Lead us along right paths. Move us to right decisions.

Keep us from stumbling over things that are behind us. Let us be excited with the truth that we are persons with the power to understand and choose, to feel and love, to dream dreams and have visions, to give and build, to be sensitive and creative - to be persons.

Even though we are much tempted, we do not ask You God to bless what we do here, but, rather, bless the leadership of our great State of New Hampshire, gathered here in this sanctuary for law and justice, that what we do may be pleasing in Your sight and a blessing to mankind.

God bless us with Your Grace, Peace and Wisdom. Amen.

Warren Leary, Sergeant-at-Arms of the preceding session, led the Pledge of Allegiance.

LEAVES OF ABSENCE

Rep.-elect Richard Hanson, the day, illness.

Reps.-elect Vlack and Dolbec, the day, important business.

CALL OF THE ROLL

The Clerk was informed by the Secretary of State's Office that, under advice of the Attorney General, there was no valid certificate for the contested seat in Cheshire District 15 (Ward 4 in Keene). Therefore, neither the name of Mr. Kohl nor Mr. Munchiello will be included in the call of the roll.

BEKKNAP COUNTY

- Dist. 1 Marshall French, r; Robert M. Lawton, r; L. Keith Matheson, r;
- Dist. 2 Clifford W. Birch, r; Wilson S. Mansfield, r&d; Esther R. Nighswander, r&d;
- Dist. 3 Barbara B. Bowler, r; Kenneth A. Randall, r;
- Dist. 4 George B. Roberts, Jr., r&d; Jane F. Sanders, r&d;
- Dist. 5 Charles W. Beard, r&d; Michael C. Hanson, r&d; Ralph J. Morin, r&d; James W. Murrav, r&d;
- Dist. 6 Paul C. Bordeau, d; Garv S. Dionne, d; Peter C. Hildreth, d; Fritz T. Sahbow, d;

CARROLL COUNTY

- Dist. 1 Donald K. Howard, r;
- Dist. 2 Norman H. Desjardins, r; Howard C. Dickinson, Jr., r; Clayton W. Towle, r;
- Dist. 3 Roger Heath, r; Kenneth C. Smith, Sr., r;
- Dist. 4 Russell C. Chase, r; Kenneth J. MacDonald, r&d;
- Dist. 5 Roderick Allen, r; George D. Keller, r;

CHESHIRE COUNTY

- Dist. 1 Robert L. Galloway, r; Jeffery C. Miller, r&d; Robert W. Moore, Jr., r;
- Dist. 2 Robert C. Callahan, r&d;
- Dist. 3 Elmer L. Johnson, r; Elizabeth R. Ladd, r; Patrick L. O'Connor;
- Dist. 4 Jesse F. Davis, r;
- Dist. 5 Peter Poanessa, d; Margaret A. Ramsay, d&r;
- Dist. 6 William R. Matson, d;
- Dist. 7 Jean T. White, r;
- Dist. 8 Clayton H. Crane, r; Frederick T. Ernst, r;
- Dist. 9 Irvin H. Gordon, r;
- Dist. 10 William A. Riley, d;
- Dist. 11 Daniel A. Eaton, d&r;
- Dist. 12 Margaret A. Lynch, d&r; Zoe Vrakatitsis, r;
- Dist. 13 Francis A. Dostilio, d; Patricia T. Russell, d;
- Dist. 14 Elmer H. Close, r; Nancy J. Proctor, d&r;
- Dist. 15 Robert Eisengrein, d; Stuart V. Nims, d&r;
- Dist. 16 Nancy E. Bavhutt, r; Andrea A. Scranton, r;

COOS COUNTY

- Dist. 1 Colon Chappell, r&d; Bradley Haynes, r&d; Marguerite H. Wiswell, r&d;
- Dist. 2 Roger L. Hunt, d; Neila P. Woodward, d;
- Dist. 3 Lynn C. Horton, r&d; Edward C. Willey, Jr., r&d;
- Dist. 4 Harold W. Burns, r&d; Mabel L. Richardson, r;
- Dist. 5 Lawrence J. Guav, d; Otto H. Oleson, d&r;
- Dist. 6 Guy J. Fortier, d; Alcide E. Valliere, d;
- Dist. 7 Elmer A. Beaulac, d&r; Elmer H. York, d&r;
- Dist. 8 Catherine V. Brungot, r; George E. Lemire, d&r;
- Dist. 9 Arthur A. Bouchard, d; Romeo J. Theriault, d;

GRAFTON COUNTY

- Dist. 1 Ira E. Allen, r; Rita C. McAvoy, r; Kathleen W. Ward, r&d;
- Dist. 2 George H. Cate, r;
- Dist. 3 Anthony Pitone, r;
- Dist. 4 Fred W. Snell, r&d;
- Dist. 5 W. Murray Clark, r; Betty Jo Taffe, r&d;
- Dist. 6 Paul I. LaMott, r; Ezra B. Mann, II;
- Dist. 7 Glyneta B. Thomson, r&d;
- Dist. 8 C. Dana Christy, r; E. John Lowmes, III, r; Andrew H. Ware, r;
- Dist. 9 Harold V. Buckman, r; Giles Low, II, r;
- Dist. 10 Francis C. Seely, r&d;
- Dist. 11 Robert W. Dearborn, r; Neil F. McIver, r&d;
- Dist. 12 Bruce C. Rounds, r;
- Dist. 13 Marv P. Chambers, d; Marion L. Copenhaver, d; Elizabeth L. Crorv, d; Michael B. King, d;
- Dist. 14 Frederick C. Aldrich, r; Carl P. Foster, r; James L. Logan, r; Lorine M. Walter, r; Roger S. Wood, r;

HILLSBOROUGH COUNTY

- Dist. 1 Leigh D. Bosse, r; Joseph M. Eaton, r; Howard S. Humphrey, Sr., r;
- Dist. 2 John B. Corser, Jr., r;
- Dist. 3 John B. Morgan, r; Fred E. Murray, r;
- Dist. 4 Theodore H. Karnis, r;
- Dist. 5 Clyde S. Eaton, r; Philip C. Heald, Jr., r&d; Richard Odell, r;
- Dist. 6 Roland A. Sallada, r&d;
- Dist. 7 James B. Craig, r;
- Dist. 8 Armand A. Archambault, d; Milton Meyers, r; Aime H. Paradis, r; Arnold B. Perkins, r; Robert W. Wheeler, d;
- Dist. 9 Marjorie Y. Peters, r&d; James T. Richards, r; Anna S. Van Loan, r&d;
- Dist. 10 Joanne C. Head, r; David T. Ramsay, r; M. Arnold Wight, Jr., r;
- Dist. 11 Salvatore P. Grasso, r; Joseph M. Silva, r; Emma B. Wheeler, r; Kenneth T. Wheeler, Sr., r;
- Dist. 12 Betty B. Hall, r; Eliot B. Ware, Jr., r;
- Dist. 13 Minnie F. Carswell, r; Nancy R. Gagnon, r; Guy R. Granger, Jr., r&d; Nancy C. Hendrick, d; Elaine T. Lyons, r;
- Dist. 14 George A. Arris, r; Gail C. Morrison, r; Andrew J. Polak, d; Leonard A. Smith, r;
- Dist. 15 Peter R. Flynn, d; James A. Hardy, r; Claire Plomaritis, d;
- Dist. 16 Philip deG. Lahombarde, r; Lawrence G. McLaughlin, r; Jean R. Wallin, d;
- Dist. 17 Selma R. Pastor, d; Louis D. Record, Jr., r; Judith M. Stahl, r; Thomas Stylianos, r;
- Dist. 18 Ruth E. Nemzoff-Berman, d; Thomas J. Pappas, d; Charles W. Weaver, Jr., r;
- Dist. 19 Kevin T. Mulligan, d; Wilfred Pelletier, d; Cecelia L. Winn, d; John T. Winn, d;
- Dist. 20 Rudolph V. Aubut, d; Richard E. Boyer, d; Henry L. Naro, d;

- Dist. 21 L. Pennv Dion, d; Gabrielle V. Gagnon, d; James Kalamanos, d; Roland J. Lefebvre, d;
- Dist. 22 Wilfrid A. Boisvert, d&r; Raymond L. Dupont, d; Maurice J. Levesque, d; Roger E. Wallace, d;
- Dist. 23 Yvette L. Chagnon, r; Mark Fisher, d; Edmund M. Keefe, r;
- Dist. 24 Ernest R. Coutermarsh, d; Francis X. Donovan, d; Francis J. Madigan, d;
- Dist. 25 Greta M. Ainlev, r; Thomas W. Hynes, r; Eleanor P. Podles, r; Lee Anne S. Steiner, r;
- Dist. 26 Catherine-Ann Dav, d; John Mazur, r; Peter P. Parady, r; Paul J. Riley, r;
- Dist. 27 William Walter Corev, d; Theodora P. Nardi, d; Christos C. Spiro, d&r; James J. White, d;
- Dist. 28 Rita M. Brack, d; Joseph L. Cote, d; John F. Jamroz, d; Bernice M. Welch, d;
- Dist. 29 Daniel J. Healy, d; William J. McCarthy, d; William J. McDonough, Jr., d; Stanley J. Zaidel, d;
- Dist. 30 Edward J. Crotty, d; Dorothy J. Drenniak, d; Gary A. Girolimon, d; Francis B. Sullivan, d;
- Dist. 31 Emile F. Boisvert, d; David J. Gelinas, d; Emile A. Marcoux, d; Albert A. Martel, d;
- Dist. 32 Henry N. Roy, d; George A. Soucy, d; James W. Sullivan, d; P. Robert Thibeault, d;
- Dist. 33 Wilfred Burkush, d; Philip H. Guidi, d; Peter F. Ramsev, d; Rose C. Vachon, d;
- Dist. 34 Margaret M. Lacaillade, d; Frank J. Reidy, d; Edward F. Smith, d; James A. Sweeney, Jr., d;
- Dist. 35 Catherine G. Lamv, d; Armand R. Lemire, d; Roland R. Lemire, d; Sarah A. Proulx, d;
- Dist. 36 Robert A. Compagna, d; Beverly A. Dupont, d; Roland D. Martineau, d; Rock G. Tremblay, d;

MERRIMACK COUNTY

- Dist. 1 Hannah C. Clements, r; William F. Kidder, r&d;
- Dist. 2 James V. Bibbo, Jr., r;
- Dist. 3 Jane Holliday, d; Avis B. Nichols, r;
- Dist. 4 David B. Packard, r; Irene J. Shepard, r;
- Dist. 5 Peter M. Stio, r;
- Dist. 6 Laurent J. Boucher, r; Arthur J. Locke, r; Doris J. Riley, d;
- Dist. 7 Edward J. Allgeyer, r; Edgar G. Rellerose, d; Mark M. Bodi, d; Robert E. Plourde, d;
- Dist. 8 Kenard F. Avles, r&d; Kenneth E. Stockman, r;
- Dist. 9 John O. Cate, r; Edwin L. Waters, r;
- Dist. 10 James M. Colby, r; Gloria M. Randlett, r; Rick A. Trombly, d;
- Dist. 11 James A. Humphrey, r;
- Dist. 12 Rudolph G. LaBranche, d&r;
- Dist. 13 Eugene S. Daniell, Jr., d; Katharine J. Ralph, d; Stuart D. Trachy, r;
- Dist. 14 Milton A. Cate, r; Peter R. Selway, d;

Dist. 15 Matthew S. Epstein, d; Newell J. Paire, r;
 Dist. 16 Susan McLane, r; Max D. Wiviott, r;
 Dist. 17 Gordon R. Blakeney, Jr., d; James M. O'Neill, d;
 Dist. 18 Mark H. Stokes, d; Barbara J. Underwood, r;
 Dist. 19 Maura Carroll, d; Ernest J. Valliere, r;
 Dist. 20 Richard D. Hill, r; Harold L. Rice, d;
 Dist. 21 Eleanor Mitchell, r; Gerald R. Smith, r;

ROCKINGHAM COUNTY

Dist. 1 Roger C. King, r&d; John H. Stimmell, r;
 Dist. 2 Richardson D. Benton, r&d; Roy W. Davis, r&d; Helen F. Wilson, r&d;
 Dist. 3 William P. Boucher, r; Robert H. Dav, r; Rowland H. Schmidtchen, r;
 Dist. 3A Juanita E. Kashulines, r; Patricia M. Skinner, r&d;
 Dist. 4 Kenneth M. Bisbee, r; Paul A. Gibbons, d; Kenneth H. Gould, r; Virginia K. Lovejoy, r; Benjamin C. Newell, r; Conrad L. Onimby, r;
 Dist. 5 Marilyn R. Campbell, r; Eleanor F. Carpenito, d; Michael A. Collins, d; Beverly A. Gage, r; Beatrice M. Laycock, d; Anne Leslie, d; Joseph L. Parolise, d; Phyllis J. Pucci, d; Freda A. Smith, d; Donna P. Sytek, r; Elsie Vartanian, r;
 Dist. 6 Alfred Ellvson, r; Natalie S. Flanagan, r&d; Delight H. Reese, r&d;
 Dist. 7 Gertrude I. Butler, r; Patricia L. Cote, r&d;
 Dist. 8 Ralph L. Blake, r; John Hoar, Jr., r&d; Calvin Warburton, r;
 Dist. 9 Selma R. Jackson, r; Annie Mae Schwaner, r; K. Michael Tavitian, r;
 Dist. 10 Ralph E. Nelson, r; Mvrtle B. Rogers, r;
 Dist. 11 Charles H. Felch, Sr., r; Paul T. Keenan, d;
 Dist. 12 Stephen C. Dunfev, d; Joseph C. Flynn, r; Ednapearl F. Parr, r; Roberta C. Pevear, r; Louisa K. Woodman, r;
 Dist. 13 Carl W. Gage, r; Daniel W. Jones, r; John J. Kane, r; Frank J. Kozacka, d; Arthur Tufts, r;
 Dist. 14 Patricia J. Blanchette, d; Edward J. Wojnowski, d;
 Dist. 15 William P. Cahill, r; W. Douglas Scamman, Jr., r; Franklin G. Wolfson, r;
 Dist. 16 Norman W. Mvers, r; Clifton H. Stickney, Jr., r;
 Dist. 17 J. Leo Appel, Jr., r; Elizabeth A. Greene, r; Margaret M. Hartford, r;
 Dist. 18 Lea H. Aeschliman, d;
 Dist. 19 Ruth L. Griffin, r; John E. Splaine, d;
 Dist. 20 Mary E. Cotton, d; Joseph A. MacDonald, d; Joseph A. McEachern, d;
 Dist. 21 Thomas P. Connors, Sr., d; Jack LoFranco, d;

Dist. 22 Elaine S. Krasker, d; Frank E. Peterson, d;
 Dist. 23 Robert J. Landry, d; Laura Pantelakos, d;

STRAFFORD COUNTY

Dist. 1 Victor J. Joos, Sr., d;
 Dist. 2 Carroll E. Canney, r; Ronald Chagnon, d; David L. Gosselin, r;
 Dist. 3 Donald H. Smith, r;
 Dist. 4 David G. Pine, d; Francis E. Robinson, r; Everett B. Sackett, r; Joan M. Schreiber, d;
 Dist. 5 Robert A. Vaughan, r;
 Dist. 6 Matthew H. Rilev, Jr., d;
 Dist. 7 Richard D. Morrisette, d;
 Dist. 8 Mary E. Whitehead, d&r;
 Dist. 9 Roland N. Hebert, d;
 Dist. 10 George A. Nadeau, d;
 Dist. 11 Sharon Demers, d&r; Allen P. Wilson, d;
 Dist. 12 James A. Burchell, d; Charles W. Grassie, Jr., d;
 Dist. 13 Dennis C. Ramsev, d&r; Noreen D. Winklev, d;
 Dist. 14 Roland J. Gauvin, d; Paul G. Meader, r;
 Dist. 15 Howell F. Preston, r; J. Thornton Tripp, r;
 Dist. 16 Dianne L. Burns Herchek, d; James C. Herchek, d;
 Dist. 17 Helene R. Donnelly, d&r; George Maglaras, Jr., d&r;
 Dist. 18 David J. Farnham, r; Anthony A. McManus, r;
 Dist. 19 Teresa L. DeNafio, d&r; Nicolette Mourgenos, d;
 Dist. 20 Leo E. Lessard, d; Iris Walley, r&d;
 Dist. 21 Robert E. Drew, d&r; Harv H. Pray, r;

SULLIVAN COUNTY

Dist. 1 Sara M. Townsend, r&d;
 Dist. 2 Edmund R. Belak, Jr., d;
 Dist. 3 Sim R. Grav, d; Donald H. LeBrun, d;
 Dist. 4 Mable G. Cutting, r; Roma A. Spaulding, r; John B. Tucker, r;
 Dist. 5 Robert J. Brodeur, d; Adolph J. Burrows, d&r; Carmine F. D'Amante, d&r;
 Dist. 6 David B. Campbell, d; Skv M. Lucas, r&d; Harv V. Spanos, d;
 Dist. 7 Frederick J. Domini, Sr., r; Walter H. Palmer, r;
 Dist. 8 George I. Wiggins, r;
 Dist. 9 Stanley H. Williamson, r&d;

394 members having answered the call of the roll, a quorum was present.

Reps.-elect French and Spiro moved that a committee of seven be appointed by the Clerk to wait upon His Excellency the Governor, Meldrim Thomson, Jr., and inform him that a quorum of the House had assembled and requested his attendance.

Adopted.

The Clerk appointed Reps.-elect Daniel Healy, Guy Fortier, Arthur Rouchard, Carmine D'Amante, Ernest Coutermarsh, Greta Ainley and in absentia, Rep.-elect Richard Hanson. The committee retired to attend to its duties.

RECESS

His Excellency, the Governor, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Council, and the above-named ladies and gentlemen, having presented their credentials, were duly qualified by His Excellency as members of the House of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution.

His Excellency the Governor and the Council retired.

Rep. Johnson nominated Rep. Scamman as temporary chairman.

Reps. Hildreth and Tucker seconded the motion.

Rep. Tucker moved that there being no other nominations, the Chair instruct the Clerk to cast one ballot for Rep. Scamman. Adopted.

(Rep. Scamman in the Chair)

Rep. Scamman addressed the House briefly.

Reps. Chase and Roberts offered the following resolution:

Resolved, that the following ground rules, as agreed to by the candidates for Speaker, be adopted for the election of House officers.

1. Access to the floor is limited to members-elect; nominees and a representative and such other officers and assistants as may be required by the Clerk and Sergeant-at-Arms.

2. Election of candidates is by secret ballot and requires a majority vote of those present and voting. Blanks shall not be considered a vote (Mason's Manual Sec. 516(a) Page 363). There is no elimination of the low candidate after any ballot. All candidates remain in the running unless they withdraw of their own volition.

3. Balloting:

- a. Contested elections will be by secret ballot, booths to be available for those who desire. Ballots to be distributed to members only when all are seated. Except for the divisions in the process of voting, all members should remain seated. Tellers to deliver to the Clerk ballots for destruction.
- b. Shall continue until officer is chosen. Recesses, if requested, shall be limited to ten minutes duration unless amended by the body.
- c. On each ballot the clerk will have printed, in alphabetical order, the name of each candidate with one blank line for write-in candidates.

4. Nominating and seconding speeches will be limited to 15 minutes total for all speeches. No other limitations will apply to these speeches. The order will be alphabetical.

The Clerk read the resolution. Adopted.

The Chair declared that nominations for Speaker were in order.

Rep. Lawton placed the name of Rep. Chase in nomination for Speaker.

Reps. Spirou, Dickinson and Chambers seconded the nomination.

Rep. McManus withdrew as a candidate.

Rep. French placed the name of Rep. Roberts in nomination for Speaker.

Reps. Bosse, Wilson, Benton, Farnham and Tucker seconded the motion.

There being no further nominations, the Chair declared nominations closed.

COMMUNICATION

On December 6, 1978, the following representative-elect appeared before the Governor and Council and was sworn into office:

Rockingham County Dist. No. 18

Rick G. Newman, Portsmouth 03801 (129 Concord Way)

Sincerely,
William M. Gardner
Secretary of State

Balloting ensued.

The Chair appointed Reos. McManus, Blanchette, Griffin, Michael Hanson, French and Ward as tellers.

The results for Speaker of the House were as follows:

395 votes cast.

Rep. Chase 197

Rep. Roberts 198

Rep. Roberts' total being a majority, the Chair declared him elected Speaker of the House.

(Speaker in the Chair)

Rep. Spirou moved that one ballot be cast for James A. Chandler of Dunbarton as Clerk, Carl A. Peterson of Litchfield as Assistant Clerk and Warren W. Leary of Alton as Sergeant-at-Arms.

There being no other nominations, the Speaker instructed the Clerk to cast one ballot for the nominees.

Adopted.

The Speaker declared Mr. Chandler elected Clerk; Mr. Peterson elected Assistant Clerk; Mr. Leary elected Sergeant-at-Arms.

Rep. Joseph Eaton moved that the House adopt the rules of the 1977 session as printed in the Black Book with the provision that amendments may be adopted by majority vote through a date in January to be decided on January 3, 1979.

Rep. Hall spoke in favor of the resolution.

Rep. Rod Allen requested that the resolution be read a second time.

Adopted.

Reps. French and Spirou moved that the Speaker appoint a committee of three to assign seats to the members.

Adopted.

Rep. Wilson moved that a committee of 10 members, one from each county, be appointed by the Speaker to select some suitable person to act as Chaplain during the present session of the Legislature and report such selection to the House for consideration.

Adopted.

Rep. James J. White moved that all action taken at all sessions of the House of Representatives be recorded through the public address system on tape, said tapes to be used by the House and the Clerk, within three legislative days, to confirm and correct the Permanent Journal. The Permanent Journal as thus prepared by the Clerk and corrected by the House shall be the official record of the House, and the Committee on the Journal be authorized to examine the Permanent Journal of the last day of the session, as prepared by the Clerk, and make corrections of the same.

Adopted.

Rep. Milton Cate moved that the Clerk, with the approval of the Speaker, may employ such stenographic and other clerical assistance as he may deem necessary.

Adopted.

Rep. Tucker moved that the Sergeant-at-Arms, with the approval of the Speaker, may employ such personnel as he deems necessary; that the Speaker of the House be authorized to employ such other personnel as he deems necessary, and with the approval of the House subcommittee of the Committee on Legislative Facilities, fix their compensation.

Adopted.

Rep. French moved that the following policy be established for the distribution of House Journals, bills and joint resolutions to legislative agents, corporations and other persons, except the members of the General Court and state departments:

1. Every citizen is entitled to one copy of any publication free of charge at the legislative counter or to have the same mailed to him free of charge upon individual request for such one copy.

2. Persons requesting copies of all publications delivered complete for the entire session will be charged a fee sufficient to cover postage, envelopes and handling. Such fees may be pro-rated where service is received for portions of the session only. All fees are payable in advance.

3. All fees charged hereunder shall be fixed by the Sergeant-at-Arms with the approval of the Speaker and shall be collected by the Sergeant-at-Arms and paid in to the state treasury and credited to the legislative appropriation. Any house attaché who works overtime to furnish any of

the services hereunder shall be allowed such additional sum for his overtime services as the Appropriations Committee shall deem fair and reasonable.

Adopted.

Reps. French and Spirou moved that the Speaker, after consultation with the minority leader, may cancel a scheduled meeting of the House in the event of a severe snowstorm which would make it dangerous, in his opinion, for members to come to Concord for the session, provided he makes notification of such cancellation through the procedures set forth by the emergency committee recommendations which were developed in the 1969 session. In case of such cancellation the House shall meet on the following legislative day. Any member who travels to Concord or who is already in Concord on legislative business on any day that a meeting of the House is cancelled under the authority of this resolution shall be entitled to legislative mileage for such attendance on legislative business.

Adopted.

Rep. LaMott moved that the salary of the members of the House of Representatives be so divided that any member may receive one-fourth of his salary monthly for the first three months, the balance to be paid at the adjournment of the session, and that mileage of members of the House of Representatives be paid every two weeks during the session.

Adopted.

Reps. French and Spirou offered the following:

RESOLVED, that the House is ready to meet with the Honorable Senate in Joint Convention for the purpose of electing a Secretary of State and a State Treasurer.

Adopted.

Reps. Ira Allen, McAvoy, Ward, Ainley, Bouchard, Coutermarsh, D'Amante, Joseph Eaton, Fortier, Greene, Healy, Karnis, LaMott, Matheson, Plourde, Tufts and Williamson offered the following:

RESOLUTIONS

ON THE DEATH OF ROBERT C. HILL

WHEREAS, the House of Representatives has learned with sorrow of the death of Robert C. Hill of Littleton, one of New Hampshire's foremost native sons, and
WHEREAS, in a career that spanned international relations, politics and business, one of his most satisfying personal accomplishments was his service in the New Hampshire House, and

WHEREAS, he served as Chairman of the Committee on Executive Departments and Administration in the 1961 Session, and

WHEREAS, in each of these fields he distinguished himself with courage under trying circumstances and dedication to the American goals of freedom and personal liberty, now therefore he it

RESOLVED, by the House of Representatives in regular session assembled, that its profound regret and sense of loss, be spread upon the journals, and be it further

RESOLVED, that a copy of these resolutions be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

RECESS

JOINT CONVENTION (Speaker Presiding)

Rep. Ward moved that the Convention proceed with the election of a State Treasurer.

Adopted.

The Chair declared nominations in order.

Rep. Ward placed the name of Robert W. Flanders of Concord in nomination for State Treasurer.

Sen. Saggiotes seconded the nomination.

Rep. Spirou moved that the nominations be closed and that one ballot be cast for Robert W. Flanders for State Treasurer.

Adopted.

The Clerk cast one ballot for Robert W. Flanders as State Treasurer and he was declared elected.

Rep. French moved that the Convention proceed with the election of Secretary of State.

Adopted.

The Chair declared nominations in order.

Sen. Conlev placed the name of Rep. Kenneth Smith in nomination for Secretary of State.

Reps. Kenneth Randall, L. Pennv Dion and Michael Hanson seconded the nomination.

Rep. Healy placed the name of William M. Gardner in nomination for Secretary of State.

Sen. Lamontagne and Reps. Morrison and Sackett seconded the nomination.

The Chair appointed Reps. Stimmell, Lyons, Tucker, French, Blanchette, Spirou, Hildreth, Griffin, Proctor and Russell as tellers.

RECESS

The results of the balloting for Secretary of State were as follows:

William M. Gardner	275
Rep. Kenneth Smith	141

William Gardner's total being in excess of a majority, the Chair declared him duly elected Secretary of State.

Mr. Gardner addressed the House briefly.

The Chair administered the oath of office to Mr. Flanders, Mr. Gardner, Mr. Chandler, Mr. Peterson and Mr. Learv.

The Joint Convention and the House adjourned at 5:57 p.m.

HOUSE JOURNAL 2

Wednesday 3Jan79

The House met at 10:30 a.m.

Prayer was offered by Rev. Milton L. Smith, Sr.

Mv countrv, 'tis of thee, Sweet land of liberty,
Of thee I sing;
Land where mv fathers died, Land of the pilgrim's pride,
From every mountainside Let freedom ring!
Samuel F. Smith - 1808-1895

Let us pray:

Good morning God. I read this somewhere God; "A broken neck will relieve the pain of a toothache." In all honesty, Lord, there will be more than a few pain-in-the-neck experiences here. Dreams will be smashed, goals lost, good intentions re-routed, ideas distorted, ideals buried, commitments reduced to compromise, human relations weakened by inhuman behavior - and yet, our task here is great and important. We must not forget nor forsake our responsibilities here in this place as elected leaders. We have been entrusted by the folks of our various communities to serve our State and people with the best that we have and are. Bless each member of this House and all persons involved in the task of good government that they not find ready excuse to do the "better" but conviction and determination to do the "best". So mote it be. Amen.

Rep. L. Pennv Dion led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Hunt and Pantelakos, the day, illness.

Reps. Healy, Kenneth Smith, McManus, Dostilio and Ainley, the day, important business.

COMMUNICATION

Mr. James A. Chandler
Clerk of the House

On January 2, 1979, the following representatives-elect appeared before the Governor and Council and were sworn into office:
Hillborough County District No. 14 (Hudson)
George H. Baker, Sr., Hudson 03051 (8 Highland St., P.O. Box 116)
Richard E. Dolhec, Hudson 03051 (51 Musquash Road, RFD 2)

Rockingham County District No. 9 (Kingston, Plaistow)

Robert A. Vlack, Plaistow 03865 (LaPerle Avenue)

William M. Gardner
Secretary of State

The Speaker addressed the House as follows:

This week we begin the formal activities of the 1979 session of the New Hampshire General Court.

It is highly appropriate that the end of one administration and the beginning of another take place before a joint convention of the legislative branch of state government.

For it is the legislature to whom our Constitution gives "full power and authority" to make the laws.

In the not too distant past, the legislature relinquished much of its authority to set basic policy by depending on the executive branch to propose important changes in our laws.

This is no longer the case. In recent years, the legislature has begun to take back its constitutional authority to establish policy and, as a result, we begin this session as an independent and nearly co-equal branch of state government.

It was natural for us to start with a restoration of the legislative authority to fulfill our constitutional mandates, and I am confident we will continue to do so.

Yet as the branch of government with the primary law making and budget functions, we have an obligation to assist the executive and judicial branches by giving them the financial and legal tools they need to fulfill their constitutional responsibilities as well.

The judicial branch - which like the legislative branch spends less than half of one per cent of the state budget - is in need of our assistance to re-establish itself as a co-equal branch of state government.

A beginning has indeed been made. Reorganization of our judicial branch is required, and I ask you to give sympathetic consideration to a major proposal to strengthen the judiciary that will come before you this session.

The executive branch is also in need of assistance. The Chief Executive is handicapped in his efforts to execute the intent of the legislature with an outdated polygot of commissions, boards and agencies adding up to well over 128 departments and more than 300 programs.

The last major look at the structure of state government began a decade ago with the Citizens Task Force which found state government to be growing in size and complexity with no corresponding changes in organization to permit the Governor to administer state affairs. Since the Task Force report, we have continued to pass more laws and add more state agencies without stopping to organize state agencies into a coherent whole.

This major expansion in government isn't something that has been happening only in New Hampshire.

But the rush toward expansion is ending. As a nation we no longer automatically assume that government can solve all our problems - indeed, we are beginning to realize that government itself has played a part in creating some of the problems we must now try to solve.

This does not mean that we are opposed to government, but it does mean that we are beginning to demand limited government and proven value for our money.

In terms of this major change, the 1979 New Hampshire legislature is in the right place at the right time. I will ask the House and Senate to consider a complete reorganization of the executive branch.

The key to our ability to meet this challenge is our strengthened House committee system.

Both our standing and our special committees already reflect our increasing ability to make sound policy decisions.

You will shortly receive the Interim Study report. Our committees have used the interim to good advantage. The additional time has permitted a weeding out of many bills which, although meritorious in intent, do not solve the problems they address. Interim study permitted a review of all proposed bills on the same subject together so that those recommended for passage are consistent with existing law.

You will also receive a major report from the Special Committee on Professional Licensing which will make comprehensive recommendations for revamping and consolidating the process of licensing the various and numerous professional groups within this state.

The Committee on Managed Growth and Economic Development - with a membership drawn from the various standing committees - will be presenting a series of goals for your consideration. Once adopted by the House, these goals will give us a framework for measuring the economic, social and environmental impact of separate proposals dealing with economic development and change.

Standing committees, however, will remain the cornerstone of our efforts.

Committee assignments will be posted in the L.O.B. during the lunch break today.

I am happy to announce that the number of members receiving their first choice of committee has increased from last session.

The Rules require consultation with the Minority Leader before Democratic committee appointments are made, and this was done. Subsequently, we did an extensive analysis of those recommendations as compared to the known preferences of minority members as indicated on their committee preference cards.

It was my desire to accept as many of the Minority Leader's recommendations as was consistent with the expressed wishes of the Democrat members, and I have done so. 147 of the major policy committee assignments for Democrats are those recommended by the Minority Leader - an acceptance rate of 84 per cent as compared to only 69 per cent two years ago.

In 1977 I found it necessary to change the committee assignments of 55 Democratic members.

In 1979 I have changed only 27. By doing so I have increased the number of first choices among this group from four to 14 and decreased the number of members who received a committee they did not request from five to three.

In 1977, 174 or 79 per cent of Republican members received their first choice of committee.

In 1979, the number has increased from 174 to 185 and the percentage from 79 per cent to 82 per cent.

The process of assigning members to committees has taken longer and has been more carefully thought through this year than at any time during my 12 years in the House.

Early organization gave us the extra time we needed, but the necessity for making appointments with unusual care comes from the new responsibilities we must meet under Sunset.

Even at first glance, Sunset is a major challenge. Unless re-enacted by the legislature, each and every state agency whose authority to exist comes from state statute will go out of business in 1981.

Review of the continuing need for each of these agencies and the first close scrutiny of agency activities and structure will be done at the committee level, and every committee will be involved before we are done. Thus when I say there will be no unimportant committees, I mean it in a new and very significant way.

The trial runs on Sunset, already completed, show it can work. Not only can we understand the structure of state government better through the Sunset process, but at the same time we can provide both cost savings and cost avoidance.

Nonetheless, the schedule is heavy. We must meet the termination date and we can do so - provided we are willing to be creative, well organized and self-disciplined.

Meeting the Sunset schedule will require considerable planning and coordination. On my part, it will mean frequent meetings with the President of the Senate and our joint service agencies - Legislative Services and the Legislative Budget Assistant's office - to schedule our activities and coordinate staff support for them. It is apparent from these demands alone that there can be no part-time Speaker this session.

Committees, too, will need additional time to perform their roles under Sunset. Because our terms are limited, time must be set aside from other activities so that Sunset functions can be performed and performed well.

Some of this time must come from that portion of the session usually devoted to considering the hundreds of state agency bills normally submitted one by one throughout the session.

With their very existence on the line, state agencies must be brought to realize that their continuation, repeal or restructuring has a greater priority this session than piecemeal additions to their existing jurisdictions.

Accordingly, I shall ask this House to approve a resolution requiring all state agencies to submit their legislative requests as a package - a plan for future changes, with priorities identified.

Each agency's package can be divided for committee referral. It can be divided for consideration on the floor. But by requiring a package we can help ensure that new legislation does not distract us from the Sunset process.

Additional time for committees to perform their Sunset role can also come from the establishment of a formal subcommittee system within each policy committee. This concept was tested last session and found to work well. A formal subcommittee system, while still requiring a full committee vote to report any legislation, permits a small group to concentrate on the detailed groundwork necessary to support major policy decisions by the full committee.

Accordingly, I shall ask each chairman to establish policy subcommittees, each of which will have initial responsibility for a part of the total committee jurisdiction. Steve Lakis, who developed our uniform House committee rules, is preparing proposed rules for subcommittees which will be submitted to the entire House for your approval.

Additional time for Sunset activities must also be made available by your willingness to limit your own involvement in matters which are less pressing than the Sunset process.

We can begin by limiting the number of bills we introduce.

I would suggest that this is not the session to bring in a whole series of bills that have been defeated time and time again.

Indeed I would hope that each of you would try to sponsor as few bills as possible, not only to reduce the burden on House committees, but also to leave you free to concentrate on the major issues of the session.

Sunset, narrowly defined, deals with the formal structure of state government. Yet in a larger sense, Sunset deals with every state policy established by the legislature.

This policy is expressed in a series of state laws which have been passed one at a time by legislatures over the years. Too often new laws are passed without adequate consideration of how they fit into existing laws. In some instances our laws are contradictory. In many instances they divide and duplicate functions. So at the same time we re-examine state agencies created to carry out legislative policy, we should be looking at the quality of the policy we are asking them to administer.

This process has already begun. Last session, the Statutory Revision Committee began a major project dealing with election law reform. The project will continue this session.

Other committees will begin to review our existing laws by subject area. The Transportation Committee, for example, will be asked to consider recodification of our Traffic Safety Code and to review the decision making process for siting highways in this state.

The Municipal and County Government Committee will be asked to start recodifying our laws affecting municipal and county governments.

One of the greatest faults of government lies in the almost haphazard way one level of government passes legislation affecting other levels.

While many of the laws we pass that affect our towns, cities and counties have been worthy in and of themselves, too often they have been considered as isolated

matters with little if any recognition of how they fit into a larger pattern.

In too many instances we have passed laws which in solving one problem create several more. Too often we have required local and county governments to take on added responsibilities at their own expense. Indeed, the National Conference of State Legislatures has called the issue of state mandates and their fiscal impact on local budgets one of the most pressing fiscal management problems of the day.

Accordingly, I shall appoint a Select Committee on Fiscal Notes, assisted by the LRA, to develop a system for identifying the economic impact of proposed legislation affecting our local governments.

I hope the recommendations of this committee will lead to action in this session, first by House resolution and then by inclusion of this requirement in our permanent statutes.

Many of you, I hope, will join me in opposing any dollar reduction in our aid to local governments until we can consider the economic consequences of any such action.

Just as our local governments are affected by the laws we pass and the dollars we do or do not send to implement these laws, so too is our state government affected in a major way by decisions on federal spending made in Washington.

In the past, these decisions have expanded the amount of federal revenue passed through to state and local governments. As a result, our state budget has become more and more dependent upon federal dollars. Indeed, our current state budget is nearly 30 per cent funded by the federal government.

Yet the same increases in federal spending that have helped us balance our state budget have also contributed in a major way to the terrible inflation that is destroying the value of our dollar.

To help control inflation, President Carter has announced his intention to reduce federal spending by tens of billions of dollars.

As President-elect of the National Conference of State Legislatures, I support the President's efforts to combat inflation. As a legislative leader I must agree that one of the most effective ways to do this is to cut federal spending.

Yet if federal aid is to be reduced - as I believe it will be - state leaders across the country are agreed that we must be allowed a voice in determining how the cuts will be made - already I have met in Washington, along with other legislative leaders, to discuss this with OMB and CBO officials.

If there is to be less federal aid, there must be fewer federal requirements. Cutting at the federal level that results in increased spending at the state level does not help reduce inflation.

If there is to be less federal aid we must have greater flexibility at the state level to spend what is left. Across the board reductions in federal assistance could be disastrous. For while our entire state spending is almost 30 per cent federally funded, federal grants to support our health and social service programs approach 50 per cent.

So in the upcoming session it will be extremely important for us to keep informed of changes in federal policy that will have a major effect on what we can do here at the state level.

It is to emphasize the importance of this effort that I am asking you to approve a change in the title of the Interstate Cooperation Committee to the Committee on State-Federal Relations.

The new function of this committee, along with its traditional ones, will be to monitor federal policy and to help us influence it through closer ties with our Congressional delegation, the New England Legislative Caucus and NCSL. We must never forget that without the active involvement of state officials like ourselves, revenue sharing would not have passed the Congress.

In short, this will be a busy session. In addition to Sunset and the other matters I have already mentioned, we have a budget to pass by June 30, a new governor's legislative package to consider, and many other important issues which it will be necessary for even a self-disciplined House to bring to the floor.

We have a tough job ahead of us if we are to complete these assignments within our term of office.

It is true that we will have help in our deliberations. Decent physical and technical facilities are now available to us. Our committee research staff is small but professional, and there will again be a full complement of committee interns. For the first time we have our own committee counsel and a Science Advisor we share with the Senate. We will continue to provide workshops beginning next month to help you in your decision making.

Yet it has taken us so long to obtain decent facilities, staff and training that we sometimes forget these improvements are not goals in themselves but tools that will help us reach our real goal - the ability to be legislators and to be part of not only the largest but one of the best state legislatures in the nation.

Our greatest strength lies in the membership of this House - truly a citizen legislature with all the diversity and challenge that this brings.

Putting the talents of our members to work in a productive and organized way gives us an advantage over other states because there are so many more of us to help get the job done if we work at it, and put aside petty differences and personality clashes.

I have met often with the President of the Senate and he has agreed to work closely on matters of joint administration to make our schedule as smooth as possible. I will also be working toward an early deadline for LSR requests and toward an early conclusion of the regular session.

With the President of the Senate, I expect to meet with Governor Gallen to get a clear understanding as to what his legislative recommendations will be, and to assist him in scheduling his requests.

We cannot solve all the problems facing the state in this session or any other.

But we can promise to do a good job on each and every one of the matters we do choose to consider.

Within our chosen area of activity we can set our sights high and bring to our deliberations a new level of understanding which, while creating no false expectations, will forever identify the 1979 session as one of special accomplishment.

Rep. Lawton moved that the Speaker's remarks be printed in the Journal.
Adopted.

Rep. French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 1 through 52 and HB1 2001 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HR 1, relating to the nature of supervisory unions. (Snell of Grafton Dist. 4; Allen of Grafton Dist. 1 - To Education)

HR 2, relative to proceedings in certain sexual assault cases. (Wallin of Hillsborough Dist. 16; Head of Hillsborough Dist. 10; Blanchette of Rockingham Dist. 14 - To Judiciary)

HR 3, relative to the Connecticut River Atlantic Salmon Compact. (Stimmell of Rockingham Dist. 1 - To State-Federal Relations)

HR 4, relative to confiscation of one's animal after a person is convicted of cruelty to animals. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HR 5, relative to the health certificates on dogs sold by breeders and the age of the dog when it is delivered to the purchaser. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HR 6, relative to the importation of dogs and cats into the state and the sale of same. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HR 7, relative to the operation of state liquor stores on Sundays and making an appropriation therefor. (White of Hillsborough Dist. 27 - To Regulated Revenues)

HR 8, repealing the statute which established an advisory committee to study the salaries of state officials and employees. (Gould of Rockingham Dist. 4 - To Labor, Human Resources and Rehabilitation)

HR 9, relative to the New Hampshire trustees of the Eastern States Exposition. (LaMott of Grafton Dist. 6 - To Environment and Agriculture)

HR 10, to allow 16 and 17 year old grocery store clerks, cashiers, and baggers to handle wine. (Girolimon of Hillsborough Dist. 30; Crotty of Hillsborough Dist. 30 - To Regulated Revenues)

HR 11, repealing the bounty on porcupines and the payment from the state treasury. (Stimmell of Rockingham Dist. 1 - To Fish and Game)

HR 12, repealing the provisions relative to unlicensed dogs killing game being killed by conservation officers. (Stimmell of Rockingham Dist. 1 - To Fish and Game)

HR 13, allowing counties to establish fees and mileage to be paid to medical referees and performers of autopsies. (Benton of Rockingham Dist. 2 - To Municipal and County Government)

HR 14, requiring Plymouth State College to pay 1/3 of the annual expenses of maintenance and operation of the town incinerator to Plymouth. (Dearborn of Grafton Dist. 11 - To Municipal and County Government)

HR 15, concerning AREA schools incurring indebtedness. (Taffe of Grafton Dist. 5 - To Education)

HR 16, relative to privileged communications between religious leaders and penitents. (Taffe of Grafton Dist. 5 - To Constitutional Revision)

HR 17, raising the minimum charge for meals in a first-class restaurant with a liquor license. (Rounds of Grafton Dist. 12 - To Regulated Revenues)

HR 18, providing for a sworn affidavit in lieu of the old hunting license to prove competency in handling of firearms. (Rounds of Grafton Dist. 12 - To Fish and Game)

HR 19, legalizing the biennial election in the town of Chester. (Benton of Rockingham Dist. 2 - To Municipal and County Government)

HR 20, providing a fee for the issuance of a duplicate certificate of hunting competency. (LaMott of Grafton Dist. 6 - To Fish and Game)

HR 21, authorizing the executive director to sell or dispose of certain confiscated equipment. (LaMott of Grafton Dist. 6 - To Fish and Game)

HR 22, to allow persons' possessing special motorcycle licenses to drive mopeds. (Girolimon of Hillsborough Dist. 30 - To Transportation)

HR 23, to establish a public defender program in Strafford County. (McManus of Strafford Dist. 18 - To Judiciary)

HR 24, repealing the requirement of selectmen to perambulate town lines. (Head of Hillsborough Dist. 10 - To Municipal and County Government)

HR 25, relative to the taking of deer with a bow and arrow. (Allen of Grafton Dist. 1; Cate of Grafton Dist. 2 - To Fish and Game)

HR 26, authorizing the appointment of certain personnel as deputy conservation officers. (Smith of Merrimack Dist. 21 - To Fish and Game)

HR 27, guaranteeing freedom of speech, right of criticism and disclosure for all state employees. (Daniell of Merrimack Dist. 13 - To Constitutional Revision)

HR 28, relative to actions to recover real estate commissions. (Gibbons of Rockingham Dist. 4 - To Commerce and Consumer Affairs)

HR 29, eliminating the possibility of a candidate's name appearing as the candidate of more than one party. (Warburton of Rockingham Dist. 8 - To Statutory Revision)

HR 30, requiring persons desiring to run for office to file nomination papers prior to the primary election. (Warburton of Rockingham Dist. 8 - To Statutory Revision)

HR 31, relative to prorating motor vehicle permit fees. (Rounds of Grafton Dist. 12; Quimby of Rockingham Dist. 4 - To Municipal and County Government)

HR 32, relative to the fish and game licensing agent's accounting. (LaMott of Grafton Dist. 6; Smith of Merrimack Dist. 21 - To Fish and Game)

HR 33, repealing the special provision for agents' fee for clam licenses. (LaMott of Grafton Dist. 6 - To Fish and Game)

HR 34, relative to trapping at specified locations and periods of time in certain portions of a public right-of-way. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HR 35, relative to the penalty in taking deer during the closed season. (Thomson of Grafton Dist. 7 - To Fish and Game)

HR 36, relative to shelter required to be made available to horses. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HR 37, relative to the satisfactory proof of completion of a hunter safety course. (Smith of Merrimack Dist. 21 - To Fish and Game)

HR 38, relative to rights-of-way. (Cate of Merrimack Dist. 14 - To Public Works)

HR 39, relative to the license fees for certain dogs. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HR 40, prohibiting the promotion and exhibition of fighting animals. (Sabbow of Belknap Dist. 6 - To Judiciary)

HR 41, relating to dogs at large and providing a penalty against the owner and further providing for local option if a municipality desires to be exempted. (Sabbow of Belknap Dist. 6 - To Judiciary)

HR 42, relative to the taking of fisher and bobcat. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HR 43, relative to the opening and closing of seasons on fur-bearing animals. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HR 44, prohibiting the taking of otter in any manner except by trapping. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HR 45, relative to the hunting season for black bear. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HR 46, relative to taking lobster by hand while diving. (Warburton of Rockingham Dist. 8 - To Fish and Game)

HR 47, relative to the length of motor vehicles, tractor and semi-trailer units. (Sabbow of Belknap Dist. 6 - To Transportation)

HR 48, prohibiting the taking of deer on Sundays during the deer season. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HR 49, providing that only buck deer can be taken during deer hunting season. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HR 50, relative to the trapping license fees for residents under 16 years of age. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HR 51, prohibiting the setting of traps for beavers on beaver dams. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HR 52, relative to the other season. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HBI 2001, relating to the establishment of a Nashua county and a Manchester county. (Marcoux of Hillsborough Dist. 31 - To Municipal and County Government)

Rep. French offered the following:

House Resolution No. 2

Relative to a Run-off
Election in Keene

WHEREAS, the general election in Ward 4 of Keene has ultimately resulted in a tie between Floyd A. Kohl and Albert J. Munichiello, and

WHEREAS, the Ballot Law Commission on December 8, 1978 ordered a run-off election in that Ward to decide who would represent the citizens of that district, and

WHEREAS, this House has both the constitutional authority to settle this matter by voting to seat one of these candidates and a great and honorable tradition of endorsing the concept of home rule, and

WHEREAS, we believe that the voters of that district have already indicated by their close vote that they want one of these gentlemen to be their Representative to the General Court, now therefore be it

RESOLVED, that the House of Representatives endorses the findings of the Ballot Law Commission in ordering a run-off election and

That the House of Representatives orders that the ballots used in that run-off election contain only the names of Floyd A. Kohl and Albert J. Munichiello with no blank appearing and

That the Clerk of the House transmit a copy of this Resolution to the Secretary of State, the Ballot Law Commission, Mr. Kohl and Mr. Munichiello and be it further

RESOLVED, that all communications to the Clerk of the House from the parties at interest in this matter be entered in the House Journal.

Reps. French and Spirou spoke in favor of the resolution.

Adopted unanimously.

COMMUNICATIONS

Mr. James A. Chandler
Clerk of the House

On behalf of my client, Mr. Floyd A. Kohl, 33 Pako Avenue, Keene, N.H., I respectfully request the consideration of the full membership of the House in finally determining who will be seated as the Representative from Ward 4 in Keene which is within Cheshire County, District 15.

As you are probably aware, Mr. Kohl won the general election by 748 votes to 739 votes for his opponent Mr. Albert Munichiello. The Secretary of State's Office conducted a recount of this election on November 27, 1978 and that recount resulted in a tie of 756 votes for each candidate. The Secretary of State decided, at that time, to break the recount tie by the drawing of lots, a procedure which I

successfully contended before the Ballot Law is properly exercised only in primary election ties.

It is our contention that the N.H. Constitution, Part 2, Article 22 clearly and properly places upon the House of Representatives the authority and the duty to settle matters such as this one arising out of a general election tie vote for a House seat.

I am aware that the House of Representatives will convene for its first meeting of the 1979 session on January 3, 1979 and it is on that date that we respectfully request that this matter be taken up by the House.

I will be glad to make myself available to present, either in writing or orally, our case to the entire House membership or to the members of a House committee, if any, to which this matter may be referred.

I thank you in advance for your cooperation in bringing this matter to the attention of the House.

Sincerely,
W. Stephen Thayer, III, Esq.

Mr. James A. Chandler
Clerk of the House

On behalf of my client, Mr. Albert J. Munichiello, 368 Court Street, Keene, New Hampshire, and in response to a letter dated December 28, 1978, addressed to you by Stephen Thayer, Esq., attorney for Fred A. Kohl, I respectfully request the full membership of the House of Representatives to neither consider nor determine who will be seated as the Representative from Ward 4 in Keene, Cheshire County, New Hampshire.

Irrespective of what Mr. Thayer's contention may be, relative to the proper method of dissolving a tie vote for a seat in the New Hampshire House of Representatives, the New Hampshire Ballot Law Commission, by its Order, dated December 8, 1978, a copy of which is hereby attached, determined that the tie vote between Mr. Munichiello and Mr. Kohl should be resolved by the voters in Keene's Ward 4, themselves, rather than the New Hampshire House of Representatives. Ballot Law Commission Order at page 4.

As the Ballot Law Commission's Order recites, Mr. Thayer was given the opportunity to persuade that Commission that the New Hampshire House of Representatives, pursuant to the New Hampshire Constitution, Part 2, Article 22, controlled the resolution of this tie vote; the Commission declined to adopt Mr. Thayer's contention as its own.

The New Hampshire legislature has expressly determined, at N.H.R.S.A. 68:11 (Appeal from Decisions) (1977 Supp.) that appeals from decisions of the Ballot Law Commission shall be to the New Hampshire Supreme Court and, further, that such appeals shall be limited to questions of law. I respectfully contend that the question of the extent to which the language of the New Hampshire Constitution, Part 2, Article 22, provides for the dissolution of a tie vote for a seat in the House of Representatives is one of law and one properly addressed to the New Hampshire Supreme Court. The language of the New

Hampshire Constitution, Part 2, Article 22, does not expressly charge the New Hampshire House of Representatives with the responsibility of dissolving a tie vote in contrast to the language in New Hampshire Constitution, Part 2, Article 34, which expressly states that in the event there shall not be a Senator elected by a plurality of votes, the members of the House of Representatives and those Senators declared elected shall elect, by joint ballot, the Senator for such district.

I trust you understand our position in this matter, and I thank you in advance for your cooperation in declining to bring this matter to the attention of the House.

Please be advised that I am willing to be present tomorrow, January 3, 1979, at the first meeting of the 1979 session of the House of Representatives if the House of Representatives, or a committee thereof, wishes to hear argument by counsel on this matter.

Sincerely,
Kevin J. Dwver

Rep. French offered the following:

House Resolution No. 1

fixing January 26 as the date through which House Rules may be amended by majority vote.

WHEREAS, the House voted on December 6, 1978, to adopt the Rules of the 1977 Session on a temporary basis and that it would fix the date through which amendments could be made by majority vote on this day (January 3), now therefore be it

RESOLVED, that the rules of the House may be amended by majority vote through January 26.

Reps. French and Chambers spoke in favor of the resolution.

Rep. Chase offered an amendment.

Amendment

Amend the resolution by adding the following:

The first order of business on the said date shall be the consideration of Rules under the report of the Rules Committee. Each proposed change shall be considered separately.

The Rules Committee is hereby instructed to prepare a report of its hearings with a listing of all proposed changes and/or amendments which shall be delivered to all members of the House at least two days before the said date.

The Assistant Clerk read the amendment. Reps. Chase, French and Spirou spoke in favor of the amendment.

Rep. Chase yielded to questions.

Amendment adopted.

Question being on the resolution as amended.

Adopted.

Reps. French and Spirou offered the following:

House Concurrent Resolution No. 1

adopting joint rules for the 1979 sessions.

RESOLVED, by the House of Representatives, the Senate concurring: That the joint rules of the 1977 session be adopted as the joint rules of the General Court for the 1979 session.

Rep. French spoke in favor of the resolution and yielded to questions.

Reps. Rod Allen, Hall and Spirou spoke against the resolution.

Rep. French spoke a second time.

Rep. Tucker moved that HCR 1 be laid upon the Table.

Rep. Tucker withdrew his motion.

Rep. Tucker moved that HCR 1 be laid upon the Table until the next legislative day, excluding January 4.

Adopted.

NOTICE OF RECONSIDERATION

Having voted with the prevailing side, Rep. Chase served notice that today or some subsequent day as limited by the rules, he would ask the House to reconsider its action of adopting a resolution offered by Rep. Tucker, authorizing certain actions by the Sergeant-at-Arms and the Speaker of the House.

Rep. Chase moved reconsideration.

Reps. French, Coutermarsh and Townsend spoke against reconsideration.

Rep. Chase withdrew his motion.

Rep. French moved reconsideration and asked the House to vote no.

Reps. Rod Allen, Chambers and Lawton spoke in favor of reconsideration.

Rep. Tucker spoke against reconsideration.

(Rep. French in the chair)

Rep. Roberts spoke against reconsideration and yielded to questions.

(Speaker in the chair)

Rep. French withdrew his motion.

Rep. Joseph Eaton offered the following:

RESOLVED, That the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention at 12:00 o'clock for the purpose of receiving His Excellency, The Governor, and to hear any communication he may be pleased to make, and for the transaction of such other business as may properly come before such Convention.

Adopted.

Reps. Flanagan and Randall offered the following:

RESOLVED, that the House is ready to meet with the Honorable Senate in joint convention for the purpose of canvassing the votes for Governor and Councilors.

Adopted.

JOINT CONVENTION
(Speaker presiding)

Sen. Brown and Rep. French offered the following:

RESOLVED, that the Honorable Secretary of State be requested to lay before the convention the returns of votes for Governor and Councilors.

Adopted.

William M. Gardner, Secretary of State, appeared before the Joint Convention and reported the returns of the votes for Governor and Councilors cast in the last General Election, as follows:

<u>Thomson</u>	<u>Gallen</u>	<u>Everett</u>	<u>Brewster</u>		
<u>Powell</u>					
<u>FOR GOVERNOR</u>					
Balknap	6,762	6,590	39 15	670	
Carroll	6,507	3,045	84 25	559	
Cheshire	5,917	9,608	87 21	874	
Coos	5,468	5,298	45 15	596	
Grafton	9,154	8,757	61 28	1,109	
Hillshorough	39,672	36,363	389 108	2,111	
Merrimack	11,565	18,043	108 76	1,854	
Rockingham	24,990	25,602	309 73	3,230	
Strafford	8,601	14,047	57 49	847	
Sullivan	<u>3,828</u>	<u>5,780</u>	<u>38 14</u>	<u>499</u>	
Totals	122,464	133,133	1,217 424	12,349	

Hugh J. Gallen, having a plurality of all votes, was elected Governor.

FOR COUNCILORS

First District:

Paul M. Mayette, Haverhill, r	28,270
John A. Marro, Littleton, d	<u>22,825</u>
Plurality for Mayette	5,445

Second District:

Malcolm McLane, Concord, r	30,067
J. Willcox Brown, Dunbarton, d	<u>18,152</u>
Plurality for McLane	11,915

Third District:

Dudley W. Dudley, Durham, d	30,918
John H. Sununu, Salem, r	<u>21,321</u>
Plurality for Dudley	9,597

Fourth District:

Louis D'Allesandro, Manchester, r	27,582
Lucille M. Kelley, Manchester, d	<u>20,833</u>

Plurality for D'Allesandro 6,749

Fifth District:

Judd Gregg, Greenfield, r	31,685
Robert L. Dupay, Nashua, d	<u>14,261</u>
Plurality for Gregg	17,424

Sen. Preston and Rep. Spirou offered the following:

RESOLVED, that the vote for Governor and Councilors be referred to a committee consisting of one on the part of the Senate and two on the part of the House to compare and count the same and report thereon.

Adopted.

The Speaker appointed Reps. Close and Rosse and Sen. Bergeron.

Sen. Brown and Rep. French offered the following:

RESOLVED, that a committee of six be appointed by the Speaker to wait upon the Honorable Meldrim Thomson, Jr., and inform him that the Joint Convention is ready to receive his Excellency the Governor, and to hear any communication he may be pleased to make.

Adopted.

The Speaker appointed Sens. Brown and Preston and Reps. French, Griffin, Spirou and Chambers.

RECESS

The Speaker presented His Excellency Governor Meldrim Thomson, Jr. who gave his Exaugural Address.

Today we close another era in the long history of New Hampshire. It will be known, I believe, as the conservative era of modern politics.

Conservatism is the art of utilizing the ancient landmarks of our fathers as guideposts to a better life for our people.

We tried hard to hue to the ancient landmarks of our constitution, among them frugality in government.

We brought the books of the state, which for two years were unbalanced, to date. We completed each fiscal year with a surplus.

We maintained our Triple A bond rating, continued to lead New England with the lowest unemployment rate, and mounted an industrial expansion that made us a Standout State in a depressed area.

Most important of all we kept our promise to the people of no broadbase tax, thus remaining the only state in the nation without either a sales or income tax.

We believe that most of the money earned by our people should remain in their

pockets. They can do a better job of spending and investing their money than can the politicians.

The social virtues necessary to secure the blessings of liberty and good government were carefully cultivated during the past six years.

Ancient and vital institutions serving less fortunate citizens, which have been grossly neglected for years, such as the New Hampshire Hospital, State Prison and Laconia State School were vastly improved.

The work ethic was encouraged. We emphasized that welfare was not to be a way of life but only a temporary rest station for the needy. We drastically cut error and fraud in the welfare rolls and reduced the number of recipients of Food Stamps and AFDC.

Roads were built, sewers laid and water resources improved at a cost of more than a half billion dollars.

Seven new vocational regional schools were authorized or built and more are in the planning stages.

State employees were given the highest increases in pay and benefits ever during these years. Pensions were granted to the judiciary, police and firemen.

Business practices were applied to state administration and produced fruitful years for the people whom it was our privilege to serve.

Many of you here today played important roles in the success of recent years. To each I say a most grateful thanks for the support and cooperation extended.

Before I take leave of you, permit me, out of the experience of my service as governor, to call attention to the storm clouds that gather on the horizon.

The threat of inflation is the darkest of all of these. It has grown to enormous proportions and emits thunderous warnings that we fail to heed at our peril.

Inflation is fed by two ingredients: government spending and low productivity.

Talk of the state needing 50 to 60 million dollars more than its anticipated revenues is the old, deceptive chatter of the big spenders.

It is tough for public officials to withstand the pressures for spending but it is absolutely necessary for them to practice frugality if we are to preserve the free enterprise system.

At this moment in time there is no need for any increase in state taxation. Most emphatically there is no need for a broadbase tax.

Another ominous cloud threatening the future of our people is our lamentable failure to produce the energy needed to warm our homes, run our factories and provide for the common defense.

We need Seabrook desperately. We need a wholesome productive mix of all of the vast potential of energy resources.

Yes, and we must get government out of the energy business so that free enterprise can produce with economy and speed that energy which in six years government has not been able to generate.

Our people must not be kidded about the cost of energy. It will be enormous. They alone will be the ultimate payers. No short

circuits or gimmickry will reduce their ultimate fuel burden; in fact, such projects will only add to the final costs.

The last big segment of the clouds in our future is the terrible encroachment of the federal government into our lives.

We stood firmly against the destruction of state sovereignty. Liberty is strongest when retained close to the people.

We fought the O.E.O. on its requirement to label our state employees by race and ethnic origin. We drove the Coast Guard from our waters. We have opposed the Labor Department in its attempt to force the state to extend its unemployment benefits to municipal employees.

The excursions of Big Brother into state and local governments, and even into our individual lives, must be stopped before we all become slaves to a dictatorial central government.

I welcome the opportunity to return to the people. It is in their homes and places of businesses that the inspiration for personal freedom burns brightly. I yearn to be warmed again at the firesides of the people whom I have tried to serve, and thus to be made ready if duty should beckon again in the future.

To all entrusted with the reins of government during the next two years I extend my sincere good wishes for a most successful journey in the service of the people.

May God bless you in your labors and those whom you seek to serve.

On the motion of Sen. Brown and Rep. French the Joint Convention arose.

Adopted.

HOUSE
(Speaker in the chair)

PETITION

I, Donald H. McFarlane, having been a member of the 1967 General Court, do hereby challenge the election to the General Court the following person; Margaret Lynch, of Boston Place, Keene Cheshire County District 17 Keene. Under RSA Chapter 67 "Contested Elections to the Legislature".

The basis for said challenge is RSA Chapter 59:60b. Having been directly involved with the 1967 amendment that changed the intent of RSA 59:69a - "Nominees of More Than One Party" the basic intent of the 1967 amendment was not to total the votes cast for a candidate of more than one party for the same office on the same ballot.

Being well aware of the Opinion rendered by the Attorney General to the Secretary of State dated October 13, 1970, this writer contends that said opinion is incomplete and misleading.

It is the intent of this writer that this challenge shall apply to all members of the General Court who were elected under similar circumstances.

Sincerely,
Donald H. McFarlane

The Speaker referred the petition to the Elections Committee.

Representatives Stio, Roberts, French, Spirou and the Committee on Municipal and County Government offered the following:

RESOLUTION

ON THE DEATH OF REPRESENTATIVE RICHARD D. HANSON

WHEREAS the myriad accomplishments of Representative Richard D. Hanson are already duly and properly recorded in the records of the town of Bow, Merrimack County and the New Hampshire General Court, and

WHEREAS, he was elected to 11 terms, 1958 - 1979, and served as Chairman of the House Municipal and County Government Committee since 1964, and

WHEREAS, it is Dick Hanson the person whom we as individuals and representatives will miss the most, and

WHEREAS, an article by Barbara Johnson in the Concord Monitor of December 9 so aptly portrays Dick Hanson as we knew him, now therefore, be it

RESOLVED, that the article he entered in the Journal of the House, as a testament of the goodwill he exerted on us all.

"When Richard Hanson died Thursday, a part of Bow died with him.

The town's children will face Christmas without their traditional Santa Claus arriving at the community party with a "Ho, Ho, Ho" that could be heard from one end of the building to the other.

He played the country boy at meetings too, timidly raising his hand and saying, "Now I'm not so smart, and maybe I don't understand," and then proceeding to destroy a proposal with piercing questions. He had the knack of asking the right question at the right moment. "I'm just a country bumpkin," he often said, and he liked to dress the part.

Future homeowners in Bow will miss the chance to meet the builder whose plans often consisted of quick pencil sketches on anything handy -- a scrap of paper, the back of an envelope. But somehow, the houses got built.

The Bow fire department will miss its charter member. When Hanson could no longer scramble up a ladder, he drove a fire truck, directed traffic, did whatever needed to be done.

The state House of Representatives, the selectmen's office, the budget committee, the industrial development commission, the school building committee, the Men's Club, the Rotary -- over the years, he served them all.

Richard D. Hanson was the Mayor of Bow. He loved his town. And if fault could be found with him, it was that he tried to do it all."

Rep. Mann addressed the House briefly.

Mr. Speaker, ladies and gentlemen. You and I have been brought up on the premise that no man is indispensable, that there are always two or three in the wings that are ready to step in and take his place if he is incapacitated or gone. This premise did not include Richard Hanson. He was my mentor, my counselor, and my friend. I regret that

a third of this house never had the privilege of knowing Dick Hanson, but you will hear the Dick Hanson stories in the corridors, in the committee rooms, and in this chamber. Those of us who had the privilege of serving with him, knew him and loved him for what he was, a friend of man. I shall miss him, as all of us will miss him. And the thing that will remain with us most is the gift that he gave to all of us, the warm, happy, wonderful memory. Thank you, Mr. Speaker.

Rep. Stio addressed the House briefly.

Mr. Speaker, House members. This is a very sad moment for me. I want to say a few words about Dick Hanson. I didn't know him very long, but the short time that I knew him, I learned to like him and respect him. I could go on for hours talking about his accomplishments. The resolution expresses it much better than I am able. We, in Bow, lost a great representative, and the House has lost a dedicated member. We all miss him very much and I am sorry that I did not have the satisfaction of knowing Dick Hanson for a longer time. Thank you.

Unanimously adopted by a rising vote of silent prayer.

Rep. Lawton moved that the remarks of Reps. Mann and Stio be printed in the Journal.

Adopted.

Reps. French and Spirou moved that the House adjourn, to meet Thursday, January 4 at 11:00 a.m. for the Inauguration and Inaugural address of Governor-elect Hugh J. Gallen.

Adopted.

The House adjourned at 12:37 o'clock.

COMMITTEE APPOINTMENTS

COMMITTEE ON APPROPRIATIONS

Republicans

Tucker, John R., Chm.
Kidder, William F., V. Chm.
Ainley, Greta M.
LaMott, Paul I.
Scranton, Andrea A.
Sackett, Everett B.
Hanson, Michael C.
Palmer, Walter H.
Wiviott, Max D.
Boucher, Laurent J.
Kane, John J.
Willey, Edward C., Jr.
Ramsay, David T.

Democrats

Nardi, Theodora P.
Boisvert, Wilfrid A.
Hildreth, Peter C.
Ramsay, Margaret A., Clerk
Wilson, Allen P.
Aeschliman, Lea H.
Dionne, Gary S.
Lessard, Leo E.
Morrisette, Richard D.
Oleson, Otto H.

COMMITTEE ON
COMMERCE AND CONSUMER AFFAIRS
Republicans

Quimby, Conrad L., Chm.
Burns, Harold W., V. Chm.
Morgan, John B.
Hynes, Thomas W.
Logan, James L.
Allgeyer, Edward J.
Appel, J. Leo, Jr.
Cahill, William P.
Christy, C. Dana
Hill, Richard D.
Roberts, William L.

Democrats

Lamy, Catherine G., Clerk
Burrows, Adolph J.
Gelinas, David L.
Plourde, Robert E.
Baker, George H., Sr.
Crory, Elizabeth L.
Pucci, Phyllis J.
Plomaritis, Claire
McCarthy, William J.
Wood, Roger S.

COMMITTEE ON
CONSTITUTIONAL REVISION
Republicans

Eaton, Joseph M., Chm.
Morrison, Gail C., V. Chm.
Buckman, Harold V.
Wiggins, George I.
Aldrich, Frederick C.
McIver, Neil F.
Shepard, Irene J., Clerk
Hall, Betty B.
Underwood, Barbara J.
Colby, James M.

Democrats

Matson, William R.
Rodi, Mark M.
Nims, Stuart V.
Spanos, Harry V.
Demers, Sharon W.
Dupont, Beverly A.
Holliday, Jane
Pine, David G.

COMMITTEE ON EDUCATION
Republicans

Boucher, William P., Chm.
Taffe, Betty Jo, V. Chm.
Van Loan, Anna S.
Beard, Charles W.
Keefe, Edmund M.
Moore, Robert W., Jr.
Valley, Iris, Clerk
Tufts, Arthur
Cutting, Mable G.
Davis, Jesse F.
Matheson, L. Keith

Democrats

Day, Catherine-Ann
Joos, Victor J., Sr.
Krasker, Elaine S.
LeBrun, Donald H.
Brack, Rita M.
Gray, Sim R.
Dostilio, Francis A.
DeNafio, Teresa J.
O'Neill, James M.

COMMITTEE ON
ENVIRONMENT AND AGRICULTURE
Republicans

Greene, Elizabeth A., Chm.
Scamman, W. Douglas Jr., V. Chm.
Campbell, Marilyn R.
Rogers, Myrtle B., Clerk
Bowler, Barbara B.
Cate, John O.
Corser, John B.
Cate, George H.
Haynes, Bradley
Nelson, Ralph E.
Wheeler, Emma B.
Pevear, Roberta C.

Democrats

Blakenev, Gordon R., Jr.
Gibbons, Paul A.
Donovan, Francis X.
Fisher, Mark
Jamrog, John F.
Kozacka, Frank J.
LoFranco, Jack
Trombly, Rick A.
Mayhew, Robert

COMMITTEE ON
EXECUTIVE DEPARTMENTS AND ADMINISTRATION
Republicans

Close, E. H., Chm.
Townsend, Sara M., V. Chm.
Hoar, John, Jr.
Dearborn, Robert W.
Trachy, Stuart D.
Vrakatisis, Zoe
Bavhutt, Nancy E.
Ernst, Frederick T.
Farnham, David J.
Ware, Andrew H.
Woodman, Louisa K.

Democrats

Carroll, Maura
Dion, L. Pennv, Clerk
Lavcock, Beatrice M.
Russell, Patricia T.
Collins, Michael A.
Nemzoff-Berman, Ruth E.
Wojnowski, Edward J.
Ramsey, Peter E.
Whitehead, Marv E.

COMMITTEE ON FISH AND GAME
Republicans

Stimmell, John H., Chm.
Wolfsen, Franklin G., V. Chm.
Wiswell, Marguerite H., Clerk
Felch, Charles H., Sr.
Smith, Gerald R.
Allen, Ira E.
Risbee, Kenneth M.
Thomson, Glyneta B.
Chappell, Colon
Clements, Hannah C.
Crane, Clayton H.
Heath, Roger C.

Democrats

Hunt, Roger L.
Polak, Andrew J.
Brodeur, Robert J.
Sabbow, Fritz T.
Therriault, Romeo J.
Beaulac, Elmer A.
Belak, Edmund R., Jr.

Chagnon, Ronald
Pantelakos, Laura

COMMITTEE ON HEALTH AND WELFARE
Republicans

Spaulding, Roma A., Chm.
Wilson, Helen F., V. Chm.
Nighswander, Esther R.
Murray, Fred E.
McAvoy, Rita C., Clerk
Foster, Carl P.
Butler, Gertrude I.
Craig, James B.
Desjardins, Norman H.
Lobombarde, Philip deG
Stickney, Clifton H., Jr.

Democrats

Daniell, Eugene S., Jr.
Blanchette, Patricia J.
Ralph, Katharine J.
Copenhaver, Marion L.
MacDonald, Joseph A.
Carpenito, Eleanor F.
Epstein, Matthew S.
Lynch, Margaret A.
Selway, Peter R.

COMMITTEE ON JUDICIARY
Republicans

Bosse, Leigh D., Chm.
Record, Louis D., Jr., V. Chm.
Ayles, Kenard F.
Mansfield, Wilson S.
Jones, Daniel W.
Sytek, Donna P., Clerk
Carswell, Minnie F.
McManus, Anthony A.
Smith, Donald H.
Reese, Delight H.
Robinson, Francis E.
Vartanian, Elsie

Democrats

Healy, Daniel J.
Riley, Doris J.
Eaton, Daniel A.
Herchek, Dianne L. B.
Kaklamanos, James
Pappas, Thomas J.
Boyer, Richard E.
Campbell, David B.
Stokes, Mark H.

COMMITTEE ON

LABOR, HUMAN RESOURCES AND REHABILITATION
Republicans

Skinner, Patricia M., Chm.
Gould, Kenneth H., V. Chm.
Allen, Roderick
Head, Joanne C., Clerk
Stylianios, Thomas
Valliere, Ernest J.
Nichols, Avis B.
Richards, James T.
Sallada, Roland A.
Schmidtchen, Rowland H.
Warburton, Calvin

Democrats

McDonough, William J., Jr.
Wheeler, Robert W.
Burkush, Wilfred
Drew, Robert E.
Mulligan, Kevin T.
Reidy, Frank J.

Splaine, John E.
Tremblay, Rock G.
Zaidel, Stanley J.

COMMITTEE ON
LEGISLATIVE ADMINISTRATION

Republicans

Ivons, Elaine T., Chm.
Parr, Edna Pearl F., V. Chm.
Trachv, Stuart D.

Democrats

Chambers, Mary P.
Donovan, Francis X.

Subcommittees:

Elections

Republicans

Close, E. H., Chm.
Rosse, Leigh D.

Democrats

Healy, Daniel J.

Enrolled Bills

Republicans

Van Loan, Anna S., Chm.
Walter, Lorine M.

Democrats

Gagnon, Gabriell V.
Maglarass, George

Journal

Republicans

Benton, Richardson D., Chm.
Wrakatitsis, Zoe

Democrats

Lamy, Catherine G.

Resolutions and Screening

Republicans

Lyons, Elaine T., Chm.
LaMott, Paul I.

Democrats

White, James J.

Mileage and Electronic Roll Call

Republicans

French, Marshall, Chm.
Gosselin, David L.

Democrats

Jamrog, John F., Clerk
Plourde, Robert E.

COMMITTEE ON
MUNICIPAL AND COUNTY GOVERNMENT
Republicans

Mann, Ezra R., II, Chm.
Gaze, Beverly A., V. Chm.
Perkins, Arnold B.
Davis, Roy W.
King, Roger C.
Pepitone, Anthony
Callahan, Robert C.
Packard, David B., Clerk
Brungot, Catherine V.
Lownes, E. John, III
Odell, Richard
Paradv, Peter P.

Democrats

Drewniak, Dorothy J.
 Boisvert, Emile E.
 Hebert, Roland N.
 Bellerose, Edgar G.
 Maglaras, George
 Soucy, George A.
 Pastor, Selma R.
 Proulx, Sarah A.
 Welch, Bernice M.

COMMITTEE ON

PUBLIC PROTECTION AND VETERANS AFFAIRS
 Republicans

Benton, Richardson D., Chm.
 Gordon, Irvin H., V. Chm.
 Riley, Paul J.
 Paradis, Aime H.
 Kashulines, Juanita E.
 Snell, Fred W.
 Dolbec, Richard E.
 Ellyson, Alfred
 Locke, Arthur J., Clerk
 O'Connor, Patrick L.

Democrats

Levesque, Maurice J.
 Bellerose, Edgar G.
 Sullivan, Francis B.
 Marcoux, Emile A.
 Thiheault, P. Robert
 Roy, Henry N.

COMMITTEE ON PUBLIC WORKS

Republicans

Bibbo, James V., Jr., Chm.
 Keller, George D., V. Chm.
 McLaughlin, Lawrence G.
 Griffin, Ruth L., Clerk
 Towle, Clayton W.
 Galloway, Robert L.
 Blake, Ralph L.
 Grasso, Salvatore P.
 Parr, Edna Pearl F.
 Richardson, Mabel L.
 Myers, Norman W.
 Silva, Joseph M.

Democrats

Fortier, Guy J.
 McEachern, Joseph A.
 Connors, Thomas P., Sr.
 Martineau, Roland D.
 White, James J.
 Nadeau, George A.
 Parolise, Joseph L.
 Winklev, Noreen D.
 Archambault, Armand A.

COMMITTEE ON REGULATED REVENUES

Republicans

Ward, Kathleen W., Chm.
 Morin, Ralph J., V. Chm.
 Lawton, Robert M.
 Humphrey, James A.
 MacDonald, Kenneth J., Clerk
 Horton, Lynn C.
 Pray, Harry H.
 Flynn, Joseph C.
 Lucas, Sky M.
 Meyers, Milton
 White, Jean T.

Democrats

Lemire, George F.
 Sweeney, James A., Jr.

Valliere, Alcide E.
 Gagnon, Gabrielle V.
 Lemire, Armand R.
 D'Amante, Carmine F.
 Pelletier, Wilfred
 Sullivan, Francis B.
 Rouchard, Arthur A.

COMMITTEE ON

RESOURCES, RECREATION AND DEVELOPMENT
 Republicans

Heald, Philip C., Jr., Chm.
 Ladd, Elizabeth R., V. Chm.
 Williamson, Stanley H.
 Schwaner, Annie Mae
 Dickinson, Howard C., Jr.
 Gagnon, Nancy R., Clerk
 Meader, Paul G.
 Sanders, Jane F.
 Low, Giles, II
 Miller, Jeffery C.
 Steiner, Lee Anne
 Stio, Peter M.

Democrats

Schreiber, Joan M.
 Bordeau, Paul G.
 Compagna, Robert A.
 Guay, Lawrence J.
 Guidi, Philip H.
 Hendrick, Nancy C.
 King, Michael B.
 Lefebvre, Roland J.
 Leslie, Anne

COMMITTEE ON RULES

Republicans

French, Marshall, Chm.
 Tucker, John B., V. Chm.
 Roberts, George B., Jr.
 Lyons, Elaine T.

Democrats

Spiro, Christos C.
 Chambers, Mary P.
 Coutermarsh, Ernest R.

COMMITTEE ON SCIENCE AND TECHNOLOGY

Republicans

Wight, M. Arnold, Jr., Chm.
 Stahl, Judith M., V. Chm.
 Smith, Leonard A.
 Mazur, John
 Vlack, Robert A.
 Birch, Clifford W.
 Jackson, Selma R.
 Newell, Benjamin C.

Democrats

Grassie, Charles W., Jr.
 Proctor, Nancy J.
 Girolimon, Gary A.
 Smith, Edward F.
 Burchell, James A., Clerk
 Eisengrein, Robert H.

COMMITTEE ON STATE - FEDERAL RELATIONS

Republicans

French, Marshall, Chm.
 Roberts, George B., Jr., V. Chm.
 Lyons, Elaine T.
 McLane, Susan
 Quimby, Conrad L.
 Tucker, John B.
 Farnham, David J., Clerk
 Gosselin, David L.
 Lucas, Sky M.

Democrats

Coutermarsh, Ernest R.
 Herchek, James C.
 Lessard, Leo E.
 Flynn, Peter R.
 Lemire, Roland R.
 Poanessa, Peter M.

COMMITTEE ON STATE INSTITUTIONS

Republicans

Cate, Milton A., Chm.
 Howard, Donald K., V. Chm.
 Preston, Howell F.
 Granger, Guy R., Jr.
 Humphrey, Howard S.
 Mitchell, Eleanor
 Underwood, Barbara J.
 Arris, George A.
 Cote, Patricia L.
 Hardy, James A.
 Randlett, Gloria M.

Democrats

Cotton, Mary E., Clerk
 Madigan, Francis J.
 Smith, Freda A.
 Martel, Albert A.
 Corey, William W.
 Gauvin, Roland J.
 Landry, Robert J.
 Pine, David G.
 Riley, William A.

COMMITTEE ON STATUTORY REVISION

Republicans

Flanagan, Natalie S., Chm.
 Randall, Kenneth A., V. Chm.
 Eaton, Clyde S.
 Day, Robert H.
 Hartford, Margaret M., Clerk
 Lovejoy, Virginia K.
 Podles, Eleanor P.
 Chase, Russell C.
 Vaughan, Robert A.

Democrats

Rice, Harold L.
 Rodi, Mark M.
 Cote, Joseph L.
 Ramsey, Dennis C.
 Nims, Stuart V.
 Naro, Henry L.
 Newman, Rick G.

COMMITTEE ON TRANSPORTATION

Republicans

Tavitian, K. Michael, Chm.
 Smith, Kenneth C., Sr., V. Chm.
 Karnis, Theodore H.
 Clark, W. Murray
 Stockman, Kenneth E.
 Waters, Edwin L.
 Gordon, Irvin H.
 Chagnon, Yvette L.
 Domini, Frederick J., Sr.
 Walter, Lorine M., Clerk
 Wheeler, Kenneth T., Sr.

Democrats

Coutermarsh, Ernest R.
 York, Elmer H.
 Crotty, Edward J.
 Aubut, Rudolph V.
 Dupont, Raymond L.
 Wallace, Roger E.
 LaBranche, Rudolph G.
 Peterson, Frank E.

COMMITTEE ON WAYS AND MEANS

Republicans

McLane, Susan, Chm.
 Rounds, Bruce C., V. Chm.
 Johnson, Elmer L.
 Tripp, J. Thornton
 Peters, Mariorie Y.
 Gage, Carl W., II
 Cannev, Carroll E.
 Paire, Newell J.
 Seely, Francis C.
 Ware, Eliot R., Jr.
 Weaver, Charles W., Jr.
 Kohl, Floyd A.

Democrats

Donnelly, Helene R.
 Wallin, Jean R., Clerk
 Winn, Cecelia L.
 Winn, John T.
 Dunfee, Stephen G.
 Vachon, Rose C.
 Keenan, Paul T.
 Riley, Matthew H., Jr.
 Sullivan, James W.

HOUSE JOURNAL 3

Thursday 4Jan79

The House met at 11:00 a.m.

Prayer was offered by Rev. Milton L. Smith, Sr.

Let us pray:

Good morning God. Let there be a getting together between You and us. If we are willing, You are willing. You are always willing to meet us in the usual and the unusual places of life. We know that being "up a tree" is for birds, monkeys and little boys. You know, Lord, how uncomfortable we feel "out on a limb," "up a creek without a paddle" or "up a tree." And You know what, Lord? It is harder coming down than going up! Oh, that coming down to face the world of reality and change! And yet You met a man by the name of Zacchaeus who was up a tree and looking for You and the two of you got together and the lifestyle and purpose of this man's life took on new meaning. Dare we admit our uncomfortableness? What have we committed ourselves to? Dare we admit our need for new purpose and new direction? If we can dare to risk ourselves with You today as You risk Your love on us every day, then we, the leadership of this great State, will find a lifestyle adequate for the great and glorious challenge of our time in history. We pray for such an experience. So mote it be! Amen.

Rep. Mann led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Lamv, Bordeau and James J. White, the day, illness.

Reps. Healy, Gerald Smith and Dolbec, the day, important business.

INTRODUCTION OF GUESTS

Adrian Derv, guest of Rep. Vachon;
George H. Baker, Jr. and Kathy Donahue, son and guest of Rep. Baker.

Rep. Tufts offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives is ready to meet the Senate in Joint Convention at 11:45 o'clock for the purpose of hearing the report of the Joint Committee and the Inauguration of the Governor-elect, the Honorable Hugh J. Gallen and the Honorable Councilors.

Adopted.

Its admittance having been approved by the Subcommittee on Resolutions and Screening, Rep. Lawton offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, HCR 2 shall be by this resolution read a first and second time by the therein listed title.

INTRODUCTION OF HCR 2
relating to child-fire safety and the right to manufacture a safer matchbook.

WHEREAS, children playing with matches ranks fourth as the cause of fatal fires; and,

WHEREAS, the National Fire Protection Association, one of the most highly recognized authorities in the fire prevention field, has estimated that the combination of children and matches is responsible for 69,000 fires a year, including fires in which 3,750 children die and tens of thousands more suffer painful, tragic burn injuries; and,

WHEREAS, in its annual survey for 1975, the NFPA estimated that 64,200 fires causing losses of \$36,100,000 were attributed to children; and,

WHEREAS, a study from the Shriners Burns Institute, Galveston Unit, shows that more than 80 per cent of serious childhood burn injuries occur in the home, and that matches are the most common ignitors; and,

WHEREAS, in 1974, by Act of Congress, the Consumer Product Safety Commission was directed to establish safety standards for the manufacture of matchbooks including requirements for a child-resistant cover; and,

WHEREAS, after considerable research and expenditure of public funds, the CPSC concluded that an effective child-resistant matchbook cover could not be provided without imposing a severe economic burden on the industry; and,

WHEREAS, as a result of that conclusion, in September 1976 the CPSC announced that it had deleted from its proposals all provisions dealing with a child-resistant matchbook cover; and,

WHEREAS, in March, 1977 a New Hampshire inventor petitioned the CPSC for a hearing on his invention of a child-resistant matchbook called the "Child Guard" which can be produced on existing matchbook machinery without expensive changes and at no additional cost; and

WHEREAS, expert testimony from fire safety officials, including the Fire Marshals of New Hampshire, Maine and other states, strongly supports the concept of the "Child Guard" matchbook because they believe that it will reduce the hazards of the misuse of matches by children; and,

WHEREAS, by not allowing the manufacture of this highly acclaimed safety product, the CPSC, which has as its objective "the reduction or elimination of unreasonable risks of death or injury from accidents associated with matchbooks," is actually standing in defiance of that objective; and,
WHEREAS, the CPSC has now before it a petition by a group called "Consumer Alert" that is calling for a ruling which would allow for the manufacture of this or other safer matchbook designs; Now, therefore be it

RESOLVED, by the House of Representatives, the Senate concurring, that the New Hampshire General Court be on record as strongly urging that the Consumer Product Safety Commission grant this petition forthwith, and allow the manufacture and distribution for public use of the "Child Guard" matchbook design so that the terrible

tragedy of death to children by fire can be reduced, and he it further

RESOLVED, that copies of this resolution be sent to Chairman Susan King of the Consumer Product Safety Commission and to each member of the New Hampshire Congressional Delegation.

SUSPENSION OF RULES

Rep. French moved that the rules be so far suspended as to permit consideration at the present time without referral to committee, notice and public hearing, notice and committee report.

Rep. Lawton spoke in favor of the motion.

Rep. Coutermarsh spoke in favor of the motion and yielded to questions.

Rep. Lawton spoke a second time and explained HCR 2.

Adopted by the necessary two-thirds.

Question being on ordering of HCR 2 to third reading.

Rep. Lawton yielded to questions.

Rep. Plourde spoke to the motion.

Adopted.

SUSPENSION OF RULES

Reps. French and Lawton moved that the rules be so far suspended as to permit HCR 2, relating to child-fire safety and the right to manufacture a safer matchbook, be read a third time at the present time.

Adopted by the necessary two-thirds.

Reps. Lawton and French moved that HCR 2 be read a third time and passed.

Adopted.

Third reading and final passage
HCR 2, relating to child-fire safety and the right to manufacture a safer matchbook.

JOINT CONVENTION (Speaker Presiding)

The following guests were introduced:

The Justices of the Superior Court and their ladies; the Justices of the Supreme Court and their ladies; Secretary of State William M. Gardner; State Treasurer Robert W. Flanders; Attorney General Thomas D. Rath; members and former members of the Congressional Delegation and their ladies; former Governors Hugh Gregg and Walter Peterson; Governor Meldrim Thomson, Jr. and his wife; the Governor-elect's personal military staff and their escorts; Mrs. Hugh J. Gallen and members of the family; Chip Carter, representing the President of the United States; House leadership; the Honorable Senate, and the Senate President, Robert B. Monier.

Sen. Bergeron and Reps. Bosse and Close offered the following report:

The Joint Committee appointed to compare and count the votes for Governor and Councilors, reported that it had attended to its duties, and the vote is correct.

Sen. Preston and Rep. Spirou offered the following:

RESOLVED, that a committee of six be appointed by the Speaker to wait upon the Honorable Hugh J. Gallen, and inform him officially of his election as Governor of the State of New Hampshire.

Adopted.

The Speaker appointed Reps. French, Griffin, Spirou and Chambers and Sens. Brown and Preston.

Sen. Brown and Rep. French offered the following:

RESOLVED, that a committee of six be appointed by the Speaker to wait upon the Honorable Councilors-elect: Paul M. Mayette, Malcolm McLane, Dudley W. Dudley, Louis D'Allesandro and Judd Gregg and inform them of their election as Executive Councilors.

Adopted.

The Speaker appointed Sen. Sanborn and Reps. Wiswell, McLane, Lessard, Podles and Lyons.

RECESS

The Joint Committee appointed to wait upon the Honorable Hugh J. Gallen and inform him officially of his election as Governor of the State of New Hampshire reported that it had attended to its duty; that the Governor-elect has accepted the said office and will meet the Senate and House of Representatives in Convention at the earliest convenient time to take the oath of office and make such communication as he deems proper.

The Joint Committee appointed to wait upon the Honorable Paul M. Mayette, Malcolm McLane, Dudley W. Dudley, Louis D'Allesandro and Judd Gregg and inform them officially of their election as Councilors of the State of New Hampshire reported that it had attended to its duty; that the Councilors-elect have accepted said office and will meet the Senate and House of Representatives in Convention to take the oath of office.

Escorted by the Joint Committees, the Governor-elect and the Councilors-elect entered the House.

The New Hampshire National Guard posted the colors, followed by a trumpet solo performed by Mr. Gerald Schwartz, Director of White Mountain Music Center of the Arts.

The President of the Senate presented the Governor-elect with a copy of the State Constitution.

Invocation was offered by the Right Reverend Philip A. Smith, Episcopal Bishop of New Hampshire.

Almighty God, Father of All, grant and continue to us, here in the State of New Hampshire, a succession of leaders and legislators who have been taught the wisdom

of your kingdom. Endow our new Governor, Hugh, the members of his Council, and all persons in administrative and legislative responsibility, a right understanding, a pure purpose, and sound speech. Enable them to rise above all self-seeking and party zeal into the larger sentiments of public good and human brotherhood, that they may provide for the needs of all people. Purge our political and public life of all evil. Grace it with calmness, self-restraint and a spirit of cooperation. Thereby, may You be served faithfully in our generation in this State of New Hampshire, and Your holy name be honored, for Yours is the Kingdom, O Lord, and You are exalted as head above all. Amen.

The Governor-elect, Hugh J. Gallen administered the oath of office to the Honorable Councilors-elect.

The President of the Senate, Robert R. Monier administered the oath of office to His Excellency, Hugh J. Gallen.

A prayer for peace was offered by Reverend Ralph Henley, Pastor of New Hope Baptist Church, Portsmouth.

O God, our Creator, Thou who reached back into nowhere and got a hand full of nothing and threw it forth and made everything. O God, we humbly beseech You to bless these Thy servants who have taken upon their shoulders the many duties and responsibilities of governing our State. O God, bless them to carry out their assigned tasks with honesty, integrity, and loyalty.

O God, we especially ask You to be with the man whom Thou has anointed to take the helm of the governorship of our State. We pray that as New Hampshire sails upon the unpredictable but promising waters of 1979, O God, it is our prayer that you will give Governor Hugh Gallen the strength that he needs, give him the knowledge that he needs, give him the wisdom that he needs, give him the courage that he needs, give him the compassion that he needs, give him the serenity that he needs so that he can lead our State toward the attainment of peace in every county, town, and city in the State. And, we will forever give Thee the praise and honor. In Jesus' name. Amen.

A prayer of Thanksgiving was offered by Rabbi Samuel Umen of Nathaniel Hawthorne College, Antrim.

Heavenly Father,

We thank Thee for men of vision, determination and convictions. Such men are a boon to their cities, states and nation; such men have enriched our history and made our nation a fortress of liberty.

May the spirit with which our heroes and leaders fired our hearts and minds in the years past be with us now.

May the voice of courage, in this bewildering moment of our history, rise above the sound of confusion, so that once again we may know that our destiny is to be the example of a people, who, despite diversity can achieve unity, despite differences of race and creed, can have

harmony, and in spite of setbacks may have the will to march forward toward its highest aspirations.

Bestow Thy blessing, O Lord, upon Thy servants here, the Governor, the Councilors, the lawmakers and all who are entrusted with solemn responsibilities of public welfare. Enable them to execute their duties to their satisfaction and all who depend upon their wisdom.

For this we pray, O Lord, in Thy name. Amen.

The Governor then delivered his inaugural address as follows:

Mr. Sneaker, Mr. President, honorable members of the Governor's Council, the General Court, and my fellow citizens.

This is a moment that engenders deep feelings within any person fortunate enough to gain this high office. For me, as for those in this position before me, there is a mixture of great pride and deep humility. I sincerely thank you, my fellow citizens, for the great trust you have placed in me, and I shall be ever mindful that it is a trust.

To you ladies and gentlemen who have been elected Senators and Representatives and Councilors, especially you who are sitting here for the first time, I offer my heartiest congratulations. I look forward to working with you and the leaders you have chosen.

Before I go any further, I would like to quote the last stanza of a poem, and I think many of you will recognize it.

I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I--
I took the one less traveled by,
And that has made all the difference.

We stand today at a crossroad. Before us lie many choices, many paths we may follow. Which ones we choose for New Hampshire to follow is important. How we make those choices is also important. Since we must travel down the path together, we must choose them together.

While I am fully aware that the legislative and executive branches of state government are separate entities indeed, I am also persuaded that we can and we must strive to minimize our differences in deference to the public good. The rank and file citizens I have talked to in New Hampshire are not overly concerned with the nuances of who does what in government or who gets credit for doing it. They are simply looking to all of us to provide the best possible government at the lowest possible cost.

I have every intention to strive to carry out the state government's obligations to the people we serve, but I also appreciate the fact that in so doing, we must be ever mindful of the ability of our people to afford them.

I believe that only through a renewed spirit of partnership can we make the wisest choices. By partnership, I mean simply this: an understanding, an agreement among us all that we share a common goal --- a

better New Hampshire --- and that we share the responsibility in trying to achieve that goal.

The spirit of partnership implies that we not only share goals and responsibility, but that we set about our tasks with calmness and civility, as well as determination.

The spirit is not new for our state. It was present three hundred years ago, in 1679, when New Hampshire was separated from Massachusetts and started down its own individual road. It was present two hundred years ago, in 1779, when New Hampshire stood at a very historic crossroad. For the first time in history, a Constitutional Convention --- one elected by the people --- submitted a Constitution for approval by the people. This was making the people fuller partners in their government.

And one hundred years ago, yet another new road was taken. Through the process of their Constitution, the people had directed their government onto a biennial, not annual basis --- the persons representing the people began serving two-year, not one-year terms. It is important to note that the people enforced this change upon their government because it had fallen into a pattern of disruptive and non-productive partisan politics. The fabric of partnership had been torn and the people demanded that it be mended.

When I ask you today to renew the spirit of partnership, I am asking several things of you, I ask first that we recognize our differences and our diversity, but that we also recognize that differences and diversity do not have to stand in the way of working together.

I also ask you to recognize that our partnership extends beyond this hall and this State House. We have a wealth of talent in New Hampshire in our businesses and our arts, in our industries and our schools, in our public servants and our private citizens. This administration will call on all of them to help guide New Hampshire down the roads open to us.

Let me briefly describe some of those roads:

The first is our budget. I shall be presenting to this honorable body a balanced budget. At that time, specific budgetary recommendations will be made, but I wish to make two points now:

One, I reaffirm my pledge to veto any sales or income tax that may find its way to my desk.

Two, I shall also oppose any attempt to solve state fiscal problems by shifting financial burdens to the cities and towns. They, too, are partners with us in serving the people.

I shall seek your cooperation in a joint venture to deal with the mixed blessings of growth. Because New Hampshire represents a better way of life, people by the thousands are taking up new residences here. We are happy to have them here, but our rapidly increasing numbers are creating problems.

Only recently we were advised by our state Supreme Court that our ordinances designed to slow growth in communities must be based on reality and kept up-to-date. The Justices also stated that the state

government has a responsibility to evolve public policy for guiding the use of land. We accept this responsibility. I believe the time is overdue for state government to adopt a sound and sensible growth-management policy. Such a policy must balance economic and industrial development with environmental management.

Within the executive branch itself, a new partnership will be formed by coordinating the agencies of planning, resource management and economic development. A broader partnership will be encouraged between the municipalities and the state. The problems created by growth transcend town lines and so does the responsibility for solving them.

Our common objective will be to maintain the proper balance between an expanding economy and population and the preservation of the essential character of New Hampshire.

How we educate our children and young adults will determine only their future, but New Hampshire's future. I will do my best, within the constraints of a balanced budget, to see that our state offers them the best education possible.

This also applies to education of the handicapped. Federal laws are mandating that these and other special students not be neglected. We plan to cooperate fully in seeing that mandate carried out.

Providing sufficient energy to this rapidly growing state is another major challenge before us. I reaffirm my view that the completion of Seabrook Station is in the best long-term interests of the people of our state.

I also reaffirm what the people said in November: CWIP is not the way to finance this project. I urge you to put this behind us once and for all by prompt passage of legislation to bar CWIP from New Hampshire, so other methods can be found to complete this much-needed source of energy.

I am pleased to report to you that substantial and constructive efforts have been taking place in the private sector to find an alternative to CWIP, and at the same time make sure that the residential ratepayer is not forced to subsidize construction. Already, we see positive results of this effort. Construction hasn't stopped. Equity financing is going forward. Confidence in the financial community has been renewed.

I am confident that the long-term answers are at hand. I do not expect the state government will be asked to impose a solution. Seabrook, in the eyes of the financial community, is an attractive, viable, economic asset to Public Service, to this State and to New England. That, in the final analysis, is the key to the solution.

Providing shelter for the needy continues as a deep concern of mine. In 1973, I was a sponsor of legislation which resulted in the creation of the New Hampshire Housing Commission, but a review of the Commission's progress and a study of many other housing reports show that much work remains to be done.

While great strides have been made in this area by some of our cities, especially in housing developments for senior citizens, substantially more needs to be accomplished

for senior citizens in rural areas. We also need more subsidized housing for low-income citizens. There is no reason not to avail ourselves of the federal funds appropriated for these purposes, and I will utilize my office to work toward this objective.

A strong and independent judiciary is the cornerstone of a democracy. We are exceptionally endowed in New Hampshire with a judicial branch of government which carries a deep tradition of scholarship coupled with dynamic and abiding respect for the common law. The people of New Hampshire have voted to strengthen the judicial branch by adoption of the constitutional amendment giving the Supreme Court the authority to keep this branch of government strong and independent. I favor direct submission of the judicial budget to the Legislature. In our government of checks and balances, the budgetary check should be a direct relationship between the Legislature and the courts.

For a number of years, we have been making substantial progress in New Hampshire in developing a more enlightened and more humane treatment of the mentally ill. Progress has been made in de-institutionalizing the New Hampshire Hospital --- releasing more of its occupants to be treated at local mental health centers close to their homes, thus hastening their recovery.

The time has now come to chart a similar policy at the Laconia State School for the mentally retarded. The goal will be to allow these special citizens the opportunity to develop their full potential as human beings, to permit them to enjoy as full a participation in life as possible.

This goal can not be easily or quickly reached. But we must lay a firm foundation, working together on the state and local levels, to begin toward that goal.

Our state employees are valuable partners in the tasks before us. I extend the hand of friendship and cooperation to them. Most whom I know work hard and take pride in their work. As a consequence, I believe our state employees have earned the rights of respect, of adequate pay, career advancement, equal opportunity --- and the right of free speech. I shall do my best to respect those rights.

I will also seek more consideration for those employees whose abilities have not been sufficiently recognized --- specifically women and the handicapped. Plans to remedy these inequities have already been developed but never actively implemented. I intend to begin implementing them.

I was paraphrasing New Hampshire poet Robert Frost earlier in this address, when I spoke about standing at a crossroad and deciding which path to follow. The poem, "Road Not Taken," has always had a special meaning for me. Allow me, in closing to continue that thought.

I have pointed to some of the destinations I wish to begin leading us toward in the next two years. The journey will not always be easy. The traveling will often seem to have no end. But we will keep our destinations in sight, although the choices of which specific path will get us

there will sometimes be difficult.

Yet we must remember that the choices have to be made. And we must remember that we are partners --- "one traveler" --- along the way. We will not always agree on which path to follow, but I believe we can disagree without being disagreeable.

In a renewed spirit of partnership, we must remember that there can be strength through diversity, that there is accomplishment through cooperation.

For my portion of the partnership, I pledge an administration that will work hard, and administration that will be firm but receptive, an administration that will be open to new challenges and new ideas.

I pledge an administration that is more interested in using the power it has to help the people, not itself; one that is proud to be part of New Hampshire and will work to make the people equally proud; one that has been given the people's trust, and in return trusts the people.

Above all else, I pledge an administration that is confident the right paths will be followed if you, for your part, also make a pledge. I ask you to pledge your partnership --- your help, your trust, and your cooperation --- in our journey.

That will make all the difference.

A prayer for a successful administration was offered by Reverend Father Nicholas Dufault, Dean of St. George's Greek Orthodox Cathedral, Manchester.

Almighty God, our Help and Refuge, Fountain of Wisdom and Tower of Strength, Who knows that we can do nothing without Your guidance and help; we beseech You, assist and bless this Your servant, Governor Hugh Gallen, and direct him to divine wisdom and power, that he may fruitfully and according to Your will, accomplish the tasks set before him, so that they may be profitable to himself and others, and to the glory of Your Holy Name. Be mindful, O Lord, of this servant and of all Civil Authorities of this city and state in which we dwell, and of every city and land; guide them unto every good work which is acceptable and pleasing to You and grant us all peaceful times, that we may lead a calm and tranquil life, blameless and godly, ever serving You, and that we may be accounted worthy at the last to enter into the Kingdom of Heaven. Hear our prayer, O Lord, for You are merciful and compassionate and love mankind, and to You are due all glory, honour, and worship; To the Father, and to the Son, and to the Holy Spirit. Amen.

The Most Reverend Odore J. Gendron, Roman Catholic Bishop of Manchester, offered the Benediction.

Father:

As this ceremony comes to an end, our Governor's responsibility begins. He bears the burden, and we ask You to sustain him. We ask Your blessing on our legislators, on all public officials, indeed, on all of us who are citizens. For we share with our Governor, his responsibility for the well-being of the people of New Hampshire.

And when we talk about energy and mental health, when we talk about housing, when we agonize over the "bottom line", let us remember that we are talking about people, whose basic human needs, whose basic human rights, You want us to secure.

Let us remember that, however complex the legislative language, when we meet the needs of our more fragile citizens, when we secure the rights of those unable to speak for themselves, we carry out Your mandate that we love our neighbor.

And enlighten us, Lord, so that our understanding of neighbor will be Your understanding of neighbor.

We beg Your blessing on us all. Amen.

On the motion of Sen. Brown and Rep. French the Joint Convention arose.

The Joint Convention adjourned.

HOUSE

(Speaker in the chair)

Reps. French and Spirou moved that the House stand in recess, to convene only for the purpose of introducing bills.

Adopted.

RECESS

(Rep. French in the chair)

Rep. Lyons offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 53 through 86 and Concurrent Resolutions Proposing Constitutional Amendments numbered 2 and 3 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 53, relative to the appointment of liquor commission employees. (Dickinson of Carroll Dist. 2; Oleson of Coos Dist. 5 - To Regulated Revenues)

HB 54, to permit physicians' assistants to prescribe certain medications. (Spaulding of Sullivan Dist. 4 - To Health and Welfare)

HB 55, relative to the number of hours for the completion of an apprenticeship. (Skinner of Rockingham Dist. 3A - To Labor, Human Resources and Rehabilitation)

HB 56, relative to limiting the decibel level of motorcycles operating on a public highway. (Gould of Rockingham Dist. 4 - To Transportation)

HB 57, relating to the definition of tobacco products. (Cote of Hillsborough Dist. 28 - To Regulated Revenues)

HB 58, repealing the current use taxation law. (Cote of Hillsborough Dist. 28 - To Environment and Agriculture)

HB 59, to exempt certain retail or service establishments from the minimum wage law. (Gould of Rockingham Dist. 4 - To Labor, Human Resources and Rehabilitation)

HB 60, to increase the discounts allowed on the prices of liquor and wine sold to hotels and clubs by the liquor commission. (Smith of Carroll Dist. 3 - To Regulated Revenues)

HB 61, mandating the suspension of license to operate for violation of litter control law. (Wallace of Hillsborough Dist. 22 - To Judiciary)

HB 62, relative to the payment of racing fees to a municipality. (Smith of Carroll Dist. 3 - To Regulated Revenues)

HB 63, relative to the control of the Strafford county jail. (Donnelly of Strafford Dist. 17; Maglaras of Strafford Dist. 17; Ramsey of Strafford Dist. 13 - To Municipal and County Government)

HB 64, relative to persons who may hold public office. (Reese of Rockingham Dist. 6 - To Statutory Revision)

HB 65, to exempt certain utilities from the need to seek approval to levy certain fuel adjustment charges. (Allen of Grafton Dist. 1 - To Commerce and Consumer Affairs)

HB 66, exempting the dividends of New Hampshire based companies from the interest and dividends tax. (Newell of Rockingham Dist. 4 - To Ways and Means)

HB 67, amending the definition of the term "walking disability" in the motor vehicle laws. (Parolise of Rockingham Dist. 5 - To Statutory Revision)

HB 68, establishing a legislative committee to study the feasibility of the state preserving farm land by the purchase of land, development rights or easements and making lands so preserved available for agricultural purposes by lease back or renting to bona fide farm operators. (Bishee of Rockingham Dist. 4 - To Environment and Agriculture)

HB 69, limiting the liability of governmental units for injury to person or damage to property or both. (Smith of Strafford Dist. 3; Sen. Bergeron of Dist. 6 - To Judiciary)

HB 70, providing a penalty for using an artificial light during certain months to locate wild birds or animals, except raccoons. (Wiswell of Coos Dist. 1 - To Fish and Game)

HB 71, prohibiting the firing of a firearm from or across a public highway. (Polak of Hillsborough Dist. 14 - To Public Protection & Veterans' Affairs.)

HB 72, relative to minors using muzzle loading firearms. (Clements of Merrimack Dist. 1 - To Fish and Game)

HB 73, relative to the state guarantee limitation on the aggregate sum for pollution control projects. (LaMott of Grafton Dist. 6 - To Public Works)

HB 74, relative to the issuance of retail sale permits by the state liquor commission. (Woodman of Rockingham Dist. 12 - To Regulated Revenues)

HB 75, requiring towns to maintain private roads for which the town has provided maintenance. (Newman of Rockingham Dist. 18 - To Municipal and County Government)

HB 76, relative to state laws requiring additional expenditures by local communities. (Cote of Hillsborough Dist. 28 - To Municipal and County Government)

HB 77, relative to the payment of salaries for Grafton county elected officials. (LaMott of Grafton Dist. 6 - To Municipal and County Government)

HB 78, relative to the penalty for taking striped bass illegally. (Wolfsen of Rockingham Dist. 15 - To Fish and Game)

HB 79, relative to real estate listing agreements. (Gibbons of Rockingham Dist. 4 - To Commerce and Consumer Affairs)

HB 80, relative to real estate salesman and broker's license renewal requirements. (Gibbons of Rockingham Dist. 4 - To Commerce and Consumer Affairs.)

HB 81, permitting the use of up to 6 lines for ice fishing. (Polak of Hillsborough Dist. 13; Smith of Merrimack Dist. 21 - To Fish and Game)

HB 82, relative to certain free licenses for all totally and permanently disabled veterans who were disabled while on active duty from a service connected injury. (Ramsey of Strafford Dist. 13 - To Public Protection and Veterans' Affairs.)

HB 83, relative to the possession of traffic devices, signs and signals. (MacDonald of Carroll Dist. 4 - To Judiciary)

HB 84, relative to increasing the salary of police commissioners of Wolfeboro. (MacDonald of Carroll Dist. 4 - To Municipal and County Government)

HB 85, relative to fish and game projects supported by federal funds obtained under the Pitman-Robertson Act. (LaMott of Grafton Dist. 6 - To Fish and Game)

HB 86, relative to the penalty for taking excessive quantities of oysters. (Wolfsen of Rockingham Dist. 15 - To Fish and Game)

CACR 2, relating to the taxing power of the state. Cote of Hillsborough Dist. 28 - To Constitutional Revision)

CACR 3, relating to State mandated expenditures. Cote of Hillsborough Dist. 28 - To Constitutional Revision)

RECESS

Rep. Lyons moved that the House adjourn.
Adopted.

HOUSE JOURNAL 4

Wednesday 24Jan79

The House met at 1:00 p.m.

The Speaker introduced the House Chaplain, The Reverend William L. Quirk, pastor of St. Peter's Roman Catholic Church in Concord, a Concord native, a graduate of St. John's High School, and Holy Cross College and took his ecclesiastical education at the University of Ottawa, Canada.

Prayer was offered by Rev. Quirk.

Let us pray:

O Almighty Father in heaven, we call on You to lend Your presence to this assembly.

Grant to the leaders and the members of the 1979 General Court Your wisdom in the deliberations of this session.

Inspire each of us with the broadness of vision to make the decisions before us for the common good of all the people of the State of New Hampshire.

O Heavenly Father, give us the discernment to be in awe of the dreams of our forefathers, so that with a profound sense of history, we may move from the good of yesterday to the better of tomorrow.

May the work that we do here be infused with a spirit of faith; a faith that makes us trust ourselves and others. With this faith and trust may we be more patient listeners and consequently more inspired speakers.

Imbue all of us with an interior disposition of hope, that will place us in a posture of readiness to serve others and receptive to be served.

May all our thoughts, opinions, decisions and actions be tempered with charity toward one another and toward the people we are called to represent.

All powerful Father, in the time ahead, may we all understand that there are two golden days about which we must never be anxious; yesterday and tomorrow these belong to You. We are left with only today; may You give us the strength and help to journey with the tasks of this day, one day at a time.

Finally, O loving Father, write in our hearts the prayer of Thomas a Kempis - "What more do I ask of you than to try to give yourself entirely to me. Whatsoever you give besides yourself is nothing to me. I seek not Your gift, but Yourself." Amen

Rep. Lyons led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Pelham Senior Citizens, guests of the Pelham delegation; and Elizabeth Hummel, guest of Rep. Carswell.

The Speaker introduced the legislative interns: Theodore Angiulo, Judiciary;

Barney Brickner, Statutory Revision; Thomas Clancy, Fish and Game and Resources, Recreation and Development; Tina Daigle, Health and Welfare; Katharine Dorr, Executive Departments and Administration; Michael D. Durgin, Education; Karen Emery, Environment and Agriculture, Science and Technology; Susan Jenkins, Labor, Human Resources and Rehabilitation and State Institutions; Donna Kane, Public Works and Transportation; Peter Malloy, Municipal and County Government; Stephen A. Rodio, Commerce and Consumer Affairs and Select Committee on Growth; Rebecca Rouillard, Constitutional Revision; Stephen Sloan, Public Protection and Veterans' Affairs and State-Federal Relations; Katherine Thompson, Regulated Revenues and Ways and Means.

LEAVES OF ABSENCE

Reps. DeNafio, Meader, Sanders, Stimmell, Thiheault, John Winn, Hoar, Reese, French, Carpenito and Sweeney, the day, illness.

Reps. Cahill, Yvette Chagnon, Eisengrein, Greene, Lahombarde, Paradis and Hebert, the day, important business.

Rep. Reidy, the day, death in the family.

Rep. Lyons offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 87 through 129 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 87, relative to the grant-in-aid program of the bureau of off highway recreational vehicles. (Stimmell of Rockingham Dist. 1; French of Belknap Dist. 1 - To Transportation)

HB 88, establishing the office of ombudsman within the state council on aging and making an appropriation therefor. (Perkins of Hillsborough Dist. 8; Blake of Rockingham Dist. 8; Townsend of Sullivan Dist. 1; Sen. Lamontagne of Dist. 1 - To Executive Departments & Administration)

HB 89, providing a penalty for disclosure of confidential department of revenue administration records. (Kiddier of Merrimack Dist. 1 - To Judiciary)

HB 90, eliminating certain responsibilities of the department of revenue administration in relation to the boat tax. (Kiddier of Merrimack Dist. 1 - To Transportation)

HB 91, restricting the disposal of high or low level nuclear wastes in the state and within the coastal jurisdiction of the state. (Parr of Rockingham Dist. 12; Sen. Allen of Dist. 7; Sen. Hancock of Dist. 15; Krasker of Rockingham Dist. 22; Rounds of Grafton Dist. 12; Chambers of Grafton Dist. 13; Dunfee of Rockingham Dist. 12; Lessard of Strafford Dist. 20; Pevear of Rockingham Dist. 12; Smith of Hillsborough Dist. 14; Hoar of Rockingham Dist. 8; Jackson of Rockingham Dist. 9 - To Science & Technology)

HB 92, to exempt individuals offering course instruction in a trade or skill from the private school regulations. (Taffe of Grafton Dist. 5 - To Education)

HB 93, relative to increasing the permissible amount of assets and combined income under the expanded elderly exemption provisions for taxed property. (Towle of Carroll Dist. 2 - To Ways & Means)

HB 94, prohibiting certain advertising expenditures by electric and gas public utilities regulated by the public utilities commission. (Burchell of Strafford Dist. 12; Lessard of Strafford 20; Wojnowski of Rockingham Dist. 14; Plomaritis of Hillsborough Dist. 15 - To Commerce & Consumer Affairs)

HB 95, establishing the Bristol district court. (Rounds of Grafton Dist. 12; Sen. Hough of Dist. 5 - To Judiciary)

HB 96, amending the charter provisions of the Littleton water and light department and providing for local referendum. (Allen of Grafton Dist. 1 - To Municipal & County Government)

HB 97, establishing the crime of looting. (Parolise of Rockingham Dist. 5 - To Judiciary)

HB 98, eliminating liability of landowner allowing persons to cut firewood on his land under sharecropper arrangement. (Smith of Strafford Dist. 3 - To Judiciary)

HB 99, allowing candidates for delegate to a state convention to work at the polls as election officials. (Krasker of Rockingham Dist. 22; Day of Hillsborough Dist. 26 - To Statutory Revision)

HB 100, allowing certain relatives to deliver completed absentee ballots. (Krasker of Rockingham Dist. 22; Day of Hillsborough Dist. 26 - To Statutory Revision)

HB 101, relative to the sealing and sale of the skins of fur-bearing animals. (Sabbow of Belknap Dist. 6 - To Fish & Game)

HB 102, repealing the \$100,000 property holding limitation of the New Hampshire Antiquarian Society. (Packard of Merrimack Dist. 4 - To Statutory Revision)

HB 103, relative to sale of beer on Sundays at golf courses. (Snell of Grafton Dist. 4 - To Regulated Revenues)

HB 104, relative to local highway safety programs in certain village districts. (Callahan of Cheshire Dist. 2 - To Transportation)

HB 105, relative to the use of deer tags. (Callahan of Cheshire Dist. 2 - To Fish & Game)

HB 106, providing for the acquisition of a certain dam and water rights by the fish and game department. (Stimmell of Rockingham Dist. 1 - To Resources, Recreation & Development)

HB 107, providing for staggered 6-year terms for county commissioners in Grafton county. (LaMott of Grafton Dist. 6; Buckman of Grafton Dist. 9 - To Municipal and County Government)

HB 108, enabling the trustees of the university system to reimburse certain municipalities for services rendered. (McIver of Grafton Dist. 11 - To Municipal and County Government)

HB 109, increasing the appropriation for cooperative extension work. (Campbell of Rockingham Dist. 5; Head of Hillsborough

Dist. 10; Smith of Strafford Dist. 3; McLane of Merrimack Dist. 16; Lessard of Strafford Dist. 20 - To Appropriations)

HB 110, making a supplemental appropriation to the operating budget of the department of agriculture for in-state travel expenses by heavy test truck inspectors and for market bulletin publishing cost. (Campbell of Rockingham Dist. 5 - To Environment and Agriculture)

HB 111, repealing certain exclusions of the business takeover act. (Boucher of Rockingham Dist. 3 - To Commerce and Consumer Affairs)

HB 112, authorizing the fish and game commission to set the deer season. (Wiswell of Coos Dist. 1; Sen. Allen of District 7 - To Fish and Game)

HB 113, updating certain provisions of the law concerning municipal courts. (Ayres of Merrimack Dist. 8 - To Judiciary)

HB 114, relative to the powers and duties of the state veterinarian. (Campbell of Rockingham Dist. 5 - To Environment and Agriculture)

HB 115, relative to the statutory definition of agriculture and farming. (Campbell of Rockingham Dist. 5 - To Environment and Agriculture)

HB 116, relative to the conduct of voting at town meetings. (Sackett of Strafford Dist. 4 - To Municipal and County Government)

HB 117, excepting tar kettles and conveyors from the requirement for brakes on trailers. (Paradis of Hillsborough Dist. 8 - To Transportation)

HB 118, creating the New Hampshire national guard scholarship fund. (Renton of Rockingham Dist. 2; Sen. Monier of District 9 - To Public Protection and Veterans' Affairs.)

HB 119, regarding administration of oaths in the national guard. (Renton of Rockingham Dist. 2 - To Public Protection and Veterans' Affairs)

HB 120, relative to teaching children principles of kindness to animals. (Sabbow of Belk. Dist. 6 - To Education)

HB 121, relative to the keeping of wild animals. (Sabbow of Belk. Dist. 6 - To Fish and Game)

HB 122, relative to the definition of "game animals". (Stimmell of Rockingham Dist. 1 - To Fish and Game)

HB 123, legalizing the proceedings establishing the Lamprey Regional Solid Waste Cooperative and authorizing the issuance of certain bonds of the town of Durham. (Sackett of Strafford Dist. 4; Scamman of Rockingham Dist. 15; Smith of Strafford Dist. 3; Blanchette of Rockingham Dist. 14; Robinson of Strafford Dist. 4; Myers of Rockingham Dist. 16; Stimmell of Rockingham Dist. 1 - To Municipal and County Government)

HB 124, making a supplemental appropriation for outstanding accounts receivable in the comptroller's office. (LaMott of Grafton Dist. 6 - To Appropriations)

HB 125, to revise the limitations on waiving competitive bids. (LaMott of Grafton Dist. 6 - To Statutory Revision)

HB 126, relative to changing the date for notifying certain teachers concerning

their renomination for the next school year. (Cutting of Sullivan Dis. 4 - To Education)

HB 127, changing the custody of the jail in Manchester. (Wallin of Hillsborough Dist. 16; White of Hillsborough Dist. 27 - To Municipal and County Government)

HB 128, prohibiting the operation of snow or ice covered motor vehicles on highways. (Gagnon of Hillsborough Dist. 21 - To Transportation)

HB 129, legalizing the special meeting of the Governor Wentworth regional school district and granting authority for the organizational meeting of the Moultonborough school district. (Smith of Carroll Dist. 3 - To Municipal and County Government.)

COMMUNICATIONS

James A. Chandler
House Clerk

I administered the oath of office to the Executive Council prior to the Senate President administering the oath of office to me.

For your records, this is to inform you that immediately upon leaving Representatives Hall, the Councilors assembled in my office and I once again administered the oath of office to them.

Sincerely,
Hugh J. Gallen
Governor

Hon. George B. Roberts
Speaker

Please accept my resignation from the New Hampshire House of Representatives, Belknap District #5, due to a conflict with my present position with the New Hampshire Department of Safety.

Sincerely,
Rep. James W. Murray

Hon. George B. Roberts
Speaker

I have recently accepted a position with a company located in Boston, Massachusetts. Because this change in residency disqualifies me and precludes my ability to perform the duties and responsibilities of the office to which I was elected, I forthwith submit my resignation as a member of the 1979 House of Representatives.

It has been a great pleasure and honor to serve with you during my tenure in the New Hampshire House from Coos, District 7.

Respectfully,
Rep. Neila P. Woodward

The Speaker called for the Special Order.

HCR 1, adopting joint rules for the 1979 session. Ought to Pass with Amendment.
Rep. French for Rules.

JOINT RULES FOR THE 1979 SESSION

1. The Joint Committee on Rules shall comprise the Committee on Rules of the Senate and of the House. It shall be the duty of the Joint Committee on Rules to recommend to the two bodies the day and time

to which the two bodies shall adjourn, and such other matters as referred to it by either or both bodies.

2. When a convention of the two bodies is to be formed, whether by a requirement of the Constitution, or by a vote or resolution of the two bodies, a message shall be sent from the House of Representatives to the Senate, giving notice when the House will meet the Senate in convention. As soon thereafter as the convenience of the Senate will permit, they will attend in the House. The Speaker of the House shall be chairman of the convention, and shall state the reasons for forming the convention. When the House and Senate are thus formed in convention, the rules adopted as the rules of the House shall be considered the rules of the convention, so far as they may be deemed applicable, and the convention shall accordingly be governed thereby.

3. Messages shall be sent by such person or persons as each body may deem to be proper. Messages from either body shall be received from the other at all times, except when engaged in putting a question, in calling yeas and nays, or in counting the ballots. When a message shall be received from either body to the other it shall be announced by the presiding officer.

4. While bills are on their passage between the two bodies, they shall be under the signature of the clerk of each body respectively.

5. Any bill concerning state retirement systems shall not be introduced unless there is attached thereto a fiscal note based upon estimates obtained from a qualified and approved actuary as to total cost involved.

6. Every bill repealing or modifying any act or statute shall refer to the same: (a) if contained in the Revised Statutes Annotated by the section and chapter thereof and if the 1955 adopted Revised Statutes Annotated has been amended by stating "as amended": (b) if not contained in the Revised Statutes Annotated by the section and chapter and the session of the legislature when the same was passed expressed in words, clearly with full reference to all amendments in sequence so that it shall not be necessary to refer to any other act or statute to ascertain the meaning thereof. The title of every bill shall indicate, in brief and comprehensive form, the subject-matter contained in the bill. It shall be the duty of the presiding officer of each body of the legislature to require all such bills to be made in conformity with this rule, before putting any vote thereon, except to commit or amend.

7. When a bill or resolution which shall have passed in one body is rejected in the other, notice thereof shall be given to the body in which the same has passed.

8. After each body shall have adhered to its disagreement, a bill or resolution shall be considered lost.

9. Each body shall on request transmit to the other all papers, or copies thereof, on which any bill or resolution may be founded.

10. Final action, excluding action on enrolled bills committee reports, shall be taken by each house on all bills and joint resolutions as follows:

(a) In the originating house:

1. On those referred to the Ways and Means Committee which raise or affect statutes raising revenue, no later than the first Thursday in May.

2. On those containing appropriations, including the so-called Budget Bill and Capital Budget Bill, no later than the second Thursday in May.

3. On all others, no later than the fourth Thursday in April.

(b) In the non-originating house:

1. On those referred to the Ways and Means Committee which raise or affect statutes raising revenue, no later than the fifth Thursday in May.

2. On those containing appropriations, including the so-called Budget Bill and Capital Budget Bill, no later than the first Monday in June.

3. On all others, no later than the first Thursday in June.

All bills sent to the second house shall be reported from committee and voted on by the second house on or before the deadlines established in 10-b.

None of the above limitations shall apply to the supplemental budget bill. If any bill or joint resolution is sent to a committee of conference, further action may be taken subsequent to the above dates by the House or Senate.

11. No bill which has been indefinitely postponed shall be admitted under color of amendment by a committee of conference or otherwise.

12. No bill, joint resolution or concurrent resolution to amend the constitution, claim outstanding on the first day of the session or petition relating to new business shall be introduced in the session unless its subject matter has been received for drafting by Legislative Services on or before the second Thursday of April, nor shall such matters be introduced in either branch of the legislature from state officers, departments or agencies unless they have been previously filed with Legislative Services prior to October first preceding the session, unless reported by the Committee on Rules; provided that this rule may be suspended in either house whenever two-thirds of the whole number of elected members shall, on division taken, vote in favor thereof, and not otherwise.

(a) Notwithstanding any other House or Senate rule, a request for the drafting of a bill may be received by Legislative Services, and a bill may be introduced in either house after the dates specified in Joint Rules 10 and 12 if two-thirds of the members of the Joint Rules Committee vote in favor of its introduction. Any bill so introduced is exempt from the deadlines established by joint rules except that final action on any such bill, including action on any committee of conference report, shall be taken no later than 5:00 p.m. on the 4th Monday in June, and that any such bill shall be sent to the Governor for his signature no later than the fourth Tuesday in June.

13. There shall be a committee for the purpose of enrolling bills, consisting of four members of the House of Representatives and three members of the Senate. All bills that have passed both bodies shall be delivered to said committee, be by them enrolled, carefully examined and reported to

the respective bodies; and shall be signed by the Speaker of the House of Representatives and the President of the Senate. If the examination of a bill shall disclose any clerical error or formal imperfection, said committee shall report it back to the respective bodies, with such amendments as are required to correct the same; and any measures so reported shall be subjected to amendment in those particulars and in no other respect.

14. A public hearing on any bill may be held jointly by the Senate and House committees. The Speaker or President of the body in which the bill originates may request the President or Speaker of the other body to authorize the appropriate committee of that other body to sit at a joint public hearing. Joint hearings in no way preclude the bill being reheard by the committee of either body. Presiding over the hearings shall be the chairman of the committee calling for the joint hearing or his designee without regard as to whether a House or Senate bill is being heard. The Speaker or the President may authorize standing committees of their respective bodies to meet on non-legislative days as needed.

15. Effective date of bills. Except as hereinafter provided, each Senate and House bill shall in terms be made effective not earlier than sixty calendar days after the date of its passage. Any bill requiring another effective date than prescribed herein may be amended on second reading by a majority vote of either the Senate or House and said amendment may provide for a bill to become effective on passage or on a specific date. Provided, however, that the limitation herein provided as to effective dates shall not apply to (1) bills of an emergency nature, (2) tax bills, (3) private acts affecting one particular town, city or political subdivision, (4) bills making appropriations of money for ordinary or capital expenses of state agencies, or (5) bills affecting fees for licenses or certificates.

16. A bill or resolution may be recalled from the Governor at any time before it is signed by him, by a majority of the Senate or House, which ever last had possession.

17. Concurrent Resolutions Proposing Constitutional Amendments. Proposed constitutional amendments shall be submitted as concurrent resolutions entitled: "Concurrent Resolution Proposing a Constitutional Amendment Relating to ***, and with a resolving clause in the following form: "Be it Resolved by the (Senate) (House of Representatives) (Senate) concurring that the Constitution of New Hampshire be amended as follows: "Concurrent resolutions proposing a constitutional amendment shall truly propose to amend or supplement the Constitution and contain only subject matter which genuinely belongs in the fundamental law of the state: it being the intention of this rule to exclude therefrom all subject matter which is legislative in nature and all amendments for the primary purpose of obtaining a popular referendum. Each concurrent resolution shall set forth the text of the new matter to be inserted in the

Constitution and also the text of a question summarizing the amendment, to appear on the ballot proposing such constitutional amendment. The General Court shall specify the particular election at which such question is to be submitted to the voters, and shall state whether it is to appear on the regular or a separate ballot. All such concurrent resolutions shall be read a first and second time by title and referred to the appropriate standing committee for public hearing and report. Amendments to such a resolution shall be in order while the measure is still on second reading. On the question of ordering such a resolution to third reading and on the question of final passage, the President and Speaker shall require a division vote unless a roll call is recorded under the rules and completed. Adoption of either of said questions shall require a vote of three-fifths of the entire membership of each house. In case of disagreement between the two bodies, such concurrent resolutions shall be subject to the usual conference committee procedure. Such concurrent resolution, if adopted by the required constitutional majority of each body, shall be enrolled in the usual form and signed by the Speaker and the President, and shall be submitted to the Secretary of State for appropriate action and for submission to the voters. Such concurrent resolutions shall be made a part of the permanent legislative records.

18. A concurrent resolution proposing a constitutional amendment, as provided by Rule 17 shall be read into the Senate or House where it originates not later than the second Thursday of May first following the assembly of any General Court. All hearings on such resolutions may be held jointly as provided under Joint Rule 14 by the appropriate standing committees of the Senate and House provided that in the event the resolution is amended in the first body and the second body chooses to have a second hearing this too may be joint. The committee vote on the resolution shall be by each committee not by the committees jointly and passage in final form shall be completed by both bodies not later than the first Thursday of June of the calendar year in which the resolution was introduced. After said date in June no further action may be taken by either house on the resolution provided that if in the opinion of the attorney general, or an advisory opinion from the supreme court states that, the form of the question in the resolution needs to be amended, the two bodies may amend the resolution in such particular only by affirmative vote of no less than three-fifths of the entire membership of each house taken on division or roll call vote. A motion to so amend shall be in order in either body, notwithstanding any other rule to the contrary, at any time prior to the prorogation of the assembly of that General Court.

19. Any bill making appropriation for the administration, operation and maintenance of any department or departments for each or any fiscal year of the biennium (the so-called Budget Bill) or a bill making general appropriation for the cost of land, public improvements and other capital

outlays, itemized by specific projects or classes of projects of the same general character (the so-called Capital Budget Bill) shall be introduced into either the Senate or the House no later than the third Tuesday in April.

20. Conference Committees on Budget Bills. The report of the conference committee on either the general appropriation bills or the capital improvements bill shall be printed in the journal or a supplement thereto before action is taken on the floor in either body on said report.

21. The report of a committee of conference on a concurrent resolution proposing an amendment to the constitution shall be first returned to that house which acceded to a request for a committee of conference. The report shall be recorded in full in the journal or supplement of that house to which it is first returned and made a special order of business at the late session of a subsequent day. After said report has been adopted by the house to which it was first returned, it shall then be transmitted to the other house for its action.

22. No Joint Rule, except rule 12, shall be suspended unless two-thirds of the members present, in each house, voting separately, vote in favor thereof.

23. No action may be taken in either house on any committee of conference report until a copy of said report has been delivered to the seats or placed on the desks of all members. A committee of conference may neither change the title of any bill submitted to it nor add amendments which are not germane to the subject matter of the bill as originally submitted to it.

24. All committees of conference shall consist of seven members; four members of the House appointed by the Speaker and three members of the Senate appointed by the President except for committee of conference on the operating budget, which shall consist of eight members; five from the House, three from the Senate. All committee of conference reports must be unanimous.

(a) No member of a committee of conference shall sign any report that contains non-germane amendments or subject matter that has been indefinitely postponed in either house. For the purposes of this rule, a non-germane amendment would be any subject matter not contained in either the House or the Senate version of the bill.

25. There is hereby established a joint screening committee of the General Court, consisting of four members of the House appointed by the Speaker, and three members of the Senate appointed by the President. If more than one member of the General Court requests that legislation of an involved and voluminous nature be drafted on the same subject matter, but with some variations so that the main body of each bill, even though drafted separately, would be practically duplicates, the office of Legislative Services shall advise the joint screening committee established by this rule of such a situation. The committee, after consultation with the requesting members, shall endeavor to have them agree to the drafting of one bill.

26. Members of both houses may sponsor legislation jointly. Proposed legislation will be titled House Bill or Senate Bill according to the first named sponsor.

27. Clarification of legislative days. Legislative days are figured in each house independently based on the actual days that either house has been in session.

28. Every bill or resolution in either body making an appropriation shall, after having been placed on second reading and thereafter referred to the respective appropriations committee or finance committee for further consideration, be messaged to the other body in the form of an extra chairman's copy and introduced, put on first and second reading, referred to committee where public hearings may be held. The bill or resolution shall then be held by said committee until final action on third reading has been taken by the body into which the bill or resolution was originally introduced. Upon such final passage, the original of said bill or resolution shall be re-introduced into the second body but for purposes of satisfying the rules requiring first and second readings, referral to committee and public hearings, the previous action on said bill or resolution shall be deemed to satisfy those requirements. Thereafter the committee in the second body to whom the bill or resolution was referred shall take action on the bill or resolution from that point according to all other rules of the house of representatives, the senate and the joint rules. If the bill or resolution was amended in the original body on second or third reading, the chairman of the committee to whom the measure was referred in the second body may hold a second public hearing at his discretion but shall not be required to hold a second hearing. This rule may be suspended by either house by majority vote.

29. A sponsor of any bill or joint resolution referred to a committee of conference shall, upon his request, be granted a hearing before said committee prior to action thereon.

30. Both houses shall take final action, including final action on all committee of conference reports, excluding final action on any bill or joint resolution referred for interim study or action on enrolled bills committee reports, on the so-called Budget Bill and Capital Budget Bill not later than the third Thursday in June and on all others no later than the third Wednesday in June.

(a) Reports of the Committee of Conference on the so-called Budget Bill and Capital Budget Bill shall be filed with the clerks of both houses no later than 3:00 p.m. on the third Friday in June, and on all others no later than 3:00 p.m. the third Monday in June.

(b) The report of the Committee of Conference on the so-called Budget Bill shall contain a balanced budget for the biennium.

31. The so-called Budget Bill and Capital Budget Bill shall be submitted to the Governor for his signature no later than the fourth Friday in June, and all other bills no later than the third Thursday in June; and when each House adjourns it shall

adjourn to the joint call of the President of the Senate and the Speaker of the House.

(a) The so-called Budget Bill shall be transmitted to the Governor within one hour of its receipt by the Secretary of State regardless of the actual time of day.

32. If the two houses of the General Court are called into session by joint action of the two presiding officers when each house adjourns therefrom it shall adjourn again to the joint call of the President of the Senate and the Speaker of the House.

33. If after July 1 the two houses of the General Court are called into session by joint action of the two presiding officers, all of these joint rules relative to time limitations concerning requests for drafting, introduction of bills, joint resolutions and concurrent resolutions proposing a constitutional amendment and any action thereon by either or both houses or any committee thereof shall be suspended.

The House then considered in order, all sections in which the Rules Committee proposed changes for the 1977 Joint Rules.

Rep. Chambers spoke in favor of the proposed amendments.

Rep. Hall offered an amendment to Joint Rule 24.

Rep. Daniell spoke in favor of the amendment.

Rep. Tucker spoke against the amendment and yielded to questions.

Rep. Hall offered an amendment to Joint Rule 27.

Rep. Chase requested that House Resolution No. 1, adopted by the House January 3, be read.

The Clerk read the resolution.

Rep. Spirou moved to amend the amendments to the committee report and spoke to his motion.

Rep. Tucker spoke to the motion.

Rep. Hall withdrew her amendments.

Rep. Spirou withdrew his motion.

Question being on Rules Committee amendments to Joint Rules.

Rep. Bosse requested that the question be divided.

Question being on the adoption of the amendment to Joint Rule 10.

Rep. Chase spoke to the procedure of taking up floor amendments to committee amendments.

The Speaker explained the procedure.

Reps. Spirou and Plourde spoke to the explanation.

Rep. Chase appealed the decision of the chair.

Question being shall the ruling of the chair as to the procedure for handling amendments be upheld.

Reps. Tucker and Warburton spoke in opposition.

Rep. Peterson requested a roll call. Sufficiently seconded.

Rep. Chase withdrew his challenge.

Rep. Spirou moved that floor amendments to committee amendments be accepted when the committee amendment was before the House.

Rep. Spirou withdrew his motion.

Question being on the adoption of the committee amendment to Joint Rule 10.

Rep. Rod Allen spoke in favor of the amendment.

Amendment adopted.

Question being on the committee amendment to Joint Rule 17.

Amendment adopted.

Question being on the amendment to Joint Rule 24.

Rep. Hall spoke in favor of the amendment.

Amendment adopted.

Question being on the amendment to Joint Rule 30.

Amendment adopted.

Question being on the amendment to Joint Rule 31.

Amendment adopted.

Rep. Hall offered an amendment to Joint Rule 24.

Amendment

Amend Joint Rule 24 by inserting after (a):

(b) Conference Committees on Budget Bills. The report of the conference committee on either the general appropriation bills, or the capital improvements bill shall be printed in the journal or a supplement thereto before action is taken on the floor in either body on said report. Non-germane amendments and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances.

The Assistant Clerk read the amendment.

Rep. Hall spoke to her amendment and yielded to questions.

Rep. Daniell spoke in favor of the amendment.

Rep. Tucker spoke against the amendment.

Rep. Hall requested a roll call.
Sufficiently seconded.

(Speaker presiding)

YEAS 204 NAYS 137

YEAS 204

BELKNAP: Bordeaux, Bowler, Gary Dionne, Lawton and Nighswander.

CARROLL: Roderick Allen, Chase, Dickinson, Heath and Towle.

CHESHIRE: Crane, Dostilio, Daniel Eaton, Ernst, Galloway, Johnson, Kohl, Lynch, Moore, Nims, O'Connor, Proctor, William Riley, Russell and Jean White.

COOS: Elmer Beaulac, Bouchard, Brungot, Guay, Bradley Haynes, Hunt, George Lemire, Richardson, Theriault and Alcide Valliere.

GRAFTON: Ira Allen, George Gate, Clark, Corry, Michael King, Low, Seely, Snell and Thomson.

HILLSBOROUGH: Archambault, Aubut, Baker, Bover, Brack, Burkush, Carswell, Compagna, Joseph Cote, Craig, Crotty, Catherine-Ann Day, Dolbec, Donovan, Drewniak, Beverly Dupont, Raymond Dupont, Gabrielle Gagnon, Gelinas, Granger, Sal Grasso, Guidi, Hall, Hardy, Head, Howard Humphrey, Jamrog, Kaklamanos, Lacaillade, Lefehvre, Armand Lemire, Roland Lemire, Levesque, Madigan, Martel, Martineau, Mazur, McLaughlin, Mulligan, Nardi, Nemzoff-Berman, Paopas, Pastor, Pelletier, Plomaritis, Podles, Proulx, Peter Ramsey, Richards, Paul Rilev, Roy, Silva, Edward Smith, Leonard Smith, Soucy, Spirou, Stylianos, Francis Sullivan, James Sullivan, Rock Tremblay, Vachon, Wallace, Eliot Ware, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White, Cecelia Winn and Zajdel.

MERRIMACK: Allgever, Bellerose, Blakenev, Rodi, Colby, Daniell, Epstein, Holliday, James Humphrey, LaBranche, Nichols, O'Neill, Paire, Ralph, Rice, Doris Rilev, Selway, Shepard, Stokes, Rick Tromblv, Underwood and Whiott.

ROCKINGHAM: Aeschliman, Bisbee, Blake, Blanchette, Butler, Collins, Connors, Dunfee, Felch, Joseph Flynn, Gibbons, Kashulines, Keenan, Kozacka, Kraker, Landry, Lavcock, Leslie, LoFranco, Lovejoy, Joseph MacDonald, McEachern, Nelson, Newman, Pantelakos, Parolise, Peterson, Pevear, Pucci, Rogers, Freda Smith, Splaine, Stickney, Sytek, Tufts, Vartanian, Vlack, Warburton and Woinowski.

STRAFFORD: Burchell, Ronald Chagnon, Drew, Gauvin, Dianne Herchek, James Herchek, Joos, Lessard, Maglaras, McManus, Morrisette, Mourgenos, Nadeau, Pine, Dennis Ramsey, Sackett, Schreiber, Tripp, Vaughan, Whitehead, Allen Wilson and Winklev.

SULLIVAN: Edmund Belak, Brodeur, D'Amante, Sim Gray, LeBrun and Williamson.

NAYS 137

BELKNAP: Beard, Birch, Michael Hanson, Wildreth, Mansfield, Matheson and Randall.

CARROLL: Desjardins, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Baybutt, Callahan, Close, Jesse Davis, Gordon, Ladd, Margaret Ramsay, Scranton and Vrakatisis.

COOS: Burns, Chappell, Horton, Oleson, Willey, Wiswell and York.

GRAFTON: Chambers, Christy, Dearborn, Foster, LaMott, Logan, Lowmes, Mann, McAvoy, Rounds, Taffe, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Emile Boisvert, Wilfrid Boisvert, Corey, L. Pennv Dion, Joseph Eaton, Peter Flynn, Nancy Gagnon, Heald, Hendrick, Thomas Hynes, Karnis, Keefe,

Lyons, Milton Mevers, Morgan, Morrison, Fred Murray, Naro, Odell, Peter Parady, Perkins, Peters, Polak, David Ramsay, Sallada, Steiner, Thiheault, Van Loan, Wallin, Weaver and Arnold Wight.

MERRIMACK: Bibbo, Laurent Boucher, Carroll, John Cate, Milton Cate, Clements, Hill, Kidder, Locke, Mitchell, Plourde, Randlett, Gerald Smith, Stio, Stockman, Trachv, Ernest Valliere and Waters.

ROCKINGHAM: Appel, Benton, William Boucher, Marilyn Campbell, Patricia Cote, Robert Dav, Ellyson, Flanagan, Beverly Gage, Carl Gage, Gould, Greene, Griffin, Hartford, Jackson, Jones, Kane, Roger King, Norman Myers, Newell, Parr, Quimby, Schmidtchen, Schwaner, Skinner, Tavitian, Helen Wilson and Wolfesen.

STRAFFORD: Canney, Farnham, Gosselin, Pray, Preston, Donald Smith and Vallev.

SULLIVAN: Burrows, Cutting, Domini, Lucas, Palmer, Spanos, Spaulding, Townsend, Tucker and Wiggins and the amendment was adopted.

Rep. Hall offered an amendment to Joint Rule 27.

Amendment

Amend Joint Rule 27 by striking out said rule and inserting in place thereof the following:

27. Clarification of Legislative days. Legislative days shall consist of twenty-four consecutive hours and are figured in each house independently based on the actual days that either house has been in session.

The Assistant Clerk read the amendment.

Rep. Hall spoke to her amendment and yielded to questions.

Reps. Michael Hanson, Spirou and Tucker spoke against the amendment.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 13 NAYS 328
YEAS 13

BELKNAP: None

CARROLL: None

CHESHIRE: Dostilio and Johnson.

COOS: Bouchard.

GRAFTON: None

HILLSBOROUGH: Joseph Cote, Granger, Hall, Mazur, Proulx, Silva, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: None

ROCKINGHAM: Splaine.

STRAFFORD: None

SULLIVAN: Domini.

NAYS 328

BELKNAP: Beard, Birch, Bordeau, Bowler, Gary Dionne, Michael Hanson, Hildreth, Lawton, Mansfield, Matheson, Nighswander, Randall and Sabbow.

CARROLL: Chase, Desjardins, Dickinson, Heath, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Close, Crane, Jesse Davis, Daniel Eaton, Galloway, Gordon, Kohl, Ladd, Lynch, Moore, Nims, O'Connor, Proctor, Margaret Ramsay, William Riley, Russell, Scranton, Vrakatisis and Jean White.

COOS: Elmer Beaulac, Brungot, Burns, Chappell, Guay, Bradley Haynes, Horton, Hunt, George Lemire, Oleson, Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Christv, Clark, Crory, Dearborn, Foster, Michael King, LaMott, Logan, Low, Lownes, Mann, McAvoy, Pepitone, Rounds, Seely, Snell, Taffe, Thomson, Walter and Ward.

HILLSBOROUGH: Archambault, Aubut, Baker, Emile Boisvert, Wilfrid Boisvert, Bosse, Bover, Brack, Burkush, Carswell, Compagna, Corey, Craig, Crotty, Catherine-Ann Dav, Dolbec, Donovan, Drewniak, Beverly Dupont, Raymond Dupont, Joseph Eaton, Peter Flynn, Gabrielle Gagnon, Nancv Gagnon, Gelinas, Sal Grasso, Guidi, Hardy, Head, Heald, Healy, Hendrick, Howard Humphrey, Thomas Hynes, Jamrog, Kaklamanos, Karnis, Keefe, Lacaille, Lefebvre, Arnold Lemire, Roland Lemire, Levesque, Lvons, Madigan, Martel, Martineau, McLaughlin, Milton Mevers, Morgan, Morrison, Mulligan, Fred Murray, Nardi, Naro, Nemzoff-Berman, Odell, Pappas, Peter Parady, Pastor, Pelletier, Perkins, Peters, Plomaritis, Podles, Polak, David Ramsay, Peter Ramsey, Record, Richards, Paul Riley, Roy, Sallada, Edward Smith, Leonard Smith, Soucy, Spirou, Steiner, Stylianos, Francis Sullivan, James Sullivan, Thiheault, Rock Tremblay, Vachon, Van Loan, Wallace, Wallin, Eliot Ware, Weaver, Welch, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and Zajdel.

MERRIMACK: Allgever, Bellerose, Bibbo, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Clements, Colbv, Daniell, Epstein, Hill, Holliday, James Humphrey, Kidder, LaBranche, Locke, Mitchell, Nichols, O'Neill, Paire, Plourde, Ralph, Randlett, Rice, Doris Riley, Selway, Shepard, Gerald Smith, Stio, Stockman, Stokes, Trachv, Rick Trombly, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Bishee, Blake, Blanchette, William Boucher, Butler, Marilyn Campbell, Collins, Connors, Patricia Cote, Robert Day, Dunfey, Ellyson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Griffin, Hartford, Jackson, Jones, Kane, Kashulines, Keenan, Roger King, Kozacka, Krasker, Landry, Lavcock, Leslie, LoFranco, Lovejoy,

Joseph MacDonald, McEachern, Norman Myers, Nelson, Newell, Newman, Pantelakos, Parolise, Parr, Peterson, Pevear, Pucci, Quimby, Rogers, Schmidtchen, Schwaner, Skinner, Freda Smith, Sticknev, Svtek, Tavitian, Tufts, Vartanian, Vlack, Warburton, Helen Wilson, Woinowski, Wolfsen and Woodman.

STRAFFORD: Burchell, Cannev, Ronald Chagnon, Drew, Farnham, Gauvin, Gosselin, Dianne Herchek, James Herchek, Joos, Lessard, Maglaras, Morrisette, Mourgenos, Nadeau, Pine, Prav, Preston, Dennis Ramsev, Sackett, Schreiber, Donald Smith, Tripp, Valley, Vaughan, Whitehead, Allen Wilson and Winkley.

SULLIVAN: Edmund Belak, Brodeur, Burrows, Cutting, D'Amante, Sim Gray, LeBrun, Lucas, Palmer, Spanos, Spaulding, Townsend, Tucker, Wiggins and Williamson and the amendment lost.

Rep. L. Penny Dion wished to be recorded against the amendment.

Reps. Tucker and Spirou moved the adoption of the Committee report as amended. Adopted.

Reps. Tucker and Spirou moved that any further amendments to the Joint Rules be offered on or before March 1, 1979.

Reps. Spirou and Tucker spoke in favor of the motion. Adopted.

COMMITTEE REPORTS

House Resolution No. 1, fixing January 26 as the date through which House Rules may be amended by majority vote. Ought to Pass with Amendment. Rep. Marshall French for the committee.

The Rules Committee held two public hearings and took testimony from anyone who appeared. Major areas of concern that emerged from these hearings included tighter conflict of interest provisions, preventing committees of conference from adding items that have been killed or not germane, and scheduling for an orderly session which permits vetoes to come up before the July 1 adjournment.

All of these major concerns and many others are addressed in the changes we have adopted and recommend to you.

Rep. Bosse requested that the committee report be divided.

Amendment

Amend House Rule 16 by striking out the entire rule and inserting in place thereof the following:

16. (a) No member shall vote in any case when he was not present when the question was put; nor sit upon any committee when he is directly or indirectly interested in the question under consideration. No member may vote on any question in which he or she is interested, whether directly or indirectly, to a degree that may

significantly impair the independent and impartial exercise of that member's judgment as a legislator. If a member takes this rule for purposes of voting, he shall so inform the Clerk, who shall so inform the House. In case of such interest of a member of a committee, the fact shall be reported to the House, and another person may be substituted on that question in his place.

(b) Prior to the end of the first month of a regular session, each member shall inform the House Clerk in writing of his principal source of income, and this information shall be a public record.

Rep. Tucker explained the amendment and yielded to questions.

Reps. Plourde and Lawton spoke against the amendment.

Reps. Ward and Bosse spoke in favor of the amendment.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 241 NAYS 92

YEAS 241

BELKNAP: Beard, Birch, Bowler, Gary Dionne, Michael Hanson, Hildreth, Mansfield, Matheson and Randall.

CARROLL: Roderick Allen, Desjardins, Heath, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Baybutt, Jesse Davis, Ernst, Gordon, Kohl, Ladd, Lynch, Matson, Moore, Nims, O'Connor, Margaret Ramsay, William Riley, Russell, Scranton and Vrakatisis.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Guay, Bradley Haynes, Horton, George Lemire, Oleson, Richardson, Theriault, Alcide Valliere and Wiswell.

GRAFTON: Ira Allen, Chambers, Crory, Dearborn, Foster, Michael King, Logan, Mann, Pepitone, Rounds, Seely, Taffe, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Aubut, Wilfrid Boisvert, Bosse, Bover, Carswell, Craig, Catherine-Ann Dav, L. Pennv Dion, Dolbec, Drewniak, Beverly Dupont, Raymond Dupont, Nancy Gagnon, Gelinas, Granger, Sal Grasso, Guidi, Hall, Head, Heald, Hendrick, Thomas Hynes, Kaklamanos, Keefe, Armand Lemire, Lyons, Madigan, Martel, Martineau, McLaughlin, Morrison, Mulligan, Fred Murray, Nardi, Naro, Nemzoff-Berman, Pelletier, Peters, Plomaritis, Proulx, David Ramsay, Peter Ramsey, Record, Richards, Paul Riley, Sallada, Silva, Edward Smith, Leonard Smith, Soucy, Spirou, Steiner, Stylianos, Rock Tremblay, Vachon, Van Loan, Wallace, Weaver, Welch, M. Arnold Wight, Cecelia Winn and Zajdel.

MERRIMACK: Allgeyer, Ayles, Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Clements, Colby, Daniell, Epstein, Holliday, Kidder, LaBranche, Mitchell, O'Neill, Packard, Paire, Ralph, Randlett, Selway, Shepard, Gerald Smith, Stockman, Stokes, Trachv, Rick Tromblv, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Risbee, Blanchette, William Boucher, Butler, Collins, Connors, Patricia Cote, Robert Dav, Dunfev, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Griffin, Hartford, Jackson, Jones, Kane, Kashulines, Keenan, Roger King, Kozacka, Krasker, Landry, Laycock, Leslie, LoFranco, Lovejoy, Joseph MacDonald, Norman Myers, Newell, Newman, Pantelakos, Parolise, Parr, Peterson, Pevear, Pucci, Quimby, Rogers, Schmidtchen, Skinner, Freda Smith, Splaine, Sticknev, Tavitian, Warburton, Helen Wilson and Wolfson.

STRAFFORD: Burchell, Cannev, Farnham, Gauvin, Gosselin, James Herchek, Joos, Lessard, Maglaras, Morrisette, Mourgenos, Nadeau, Pine, Dennis Ramsev, Sackett, Schreiber, Donald Smith, Tripp, Vallev, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Edmund Belak, Burrows, Cutting, Domini, Palmer, Spanos, Spaulding, Townsend, Tucker, Wiggins and Williamson.

NAYS 92

BELKNAP: Bordeau and Lawton.

CARROLL: Chase, Dickinson and Towle.

CHESHIRE: Callahan, Close, Crane, Daniel Eaton, Galloway, Johnson and Jean White.

COOS: Chappell, Hunt and York.

GRAFTON: Aldrich, Buckman, George Cate, Christy, Clark, LaMott, Low, Lownes, McAvoy, Snell and Thomson.

HILLSBOROUGH: Archambault, Baker, Emile Boisvert, Brack, Compagna, Joseph Cote, Crotty, Donovan, Clyde Eaton, Joseph Eaton, Peter Flynn, Gabrielle Gagnon, Hardy, Healy, Howard Humphrey, Jamrog, Karnis, Lacaille, Lefebvre, Roland Lemire, Levesque, Mazur, Morgan, Odell, Peter Parady, Perkins, Podles, Polak, Roy, Francis Sullivan, James Sullivan, Thibeault, Eliot Ware, Emma Wheeler, Kenneth Wheeler and Robert Wheeler.

MERRIMACK: Milton Cate, Hill, James Humphrey, Locke, Nichols, Plourde, Doris Riley and Stio.

ROCKINGHAM: Blake, Marilyn Campbell, Ellyson, Gould, McEachern, Nelson, Scamman, Schwaner, Sytek, Tufts, Vartanian and Vlack.

STRAFFORD: Ronald Chagnon, Drew, Pray, Preston and Winklev.

SULLIVAN: Brodeur, D'Amante, Sim Gray, LeBrun and Lucas and the amendment was adopted.

Rep. LaMott notified the Clerk that he inadvertently voted nay and meant to vote yea.

Amendment

Amend House Rule 28 (b) by striking out same and inserting in place thereof the following:

28 (b) Notice of a motion for reconsideration shall be in order only when given to the House in open session prior to adjournment on the same day on which the vote was passed or on the next day on which the House shall be in session within one-half hour after the convening of the early session and any such notice of reconsideration shall be effective for three legislative days only and thereafter shall be null and void.

Reconsideration of any bills subject to a transfer date established by joint rules must be acted upon on or before the joint rule deadline, and thereafter shall be null and void.

Rep. Tucker explained the amendment.
Amendment adopted.

Amendment

Amend House Rule 32 by striking out the introductory paragraphs, sections a, b, i, and m, and inserting in place thereof the following:

The Clerk is authorized to arrange the listing of committees as amended in their proper alphabetical order.

32. The following standing policy committees to consist of not more than twenty-three members each, shall be appointed at the commencement of any session: Committees on Appropriations; Commerce and Consumer Affairs; Constitutional Revision; Education; Environment and Agriculture; Executive Departments and Administration; Fish and Game; Health and Welfare; Judiciary; Labor, Human Resources and Rehabilitation; Legislative Administration; Municipal and County Government; Public Protection and Veterans Affairs; Public Works; Regulated Revenues; Resources, Recreation and Development; Rules; Science and Technology; State-Federal Relations; State Institutions; Statutory Revision; Transportation; and Ways and Means.

A Committee on Rules shall be appointed at the commencement of any session, one of whose members shall be the Speaker.

(a) It shall be the duty of the Committee on Appropriations to examine and take into consideration the state of the treasury; to consider the budget, subjects concerning the financial interests of the state, all measures carrying appropriations of state money (except claims against the state), and such other matters as may be referred to it. Prior to its report to the House, the Committee on Appropriations may refer the budget of certain self-sustaining state agencies to appropriate committees for study and recommendation.

The Committee shall submit to the House on or before May 8 a budget bill for the biennium which submits a balanced budget. The Committee shall work in close cooperation with Ways and Means in determining the state income available for

budget purposes at mutually agreed periodic times. In addition, the Committee shall report to the House all other bills by the date established therefor by the Joint Rules. All bills in the possession of the Committee shall be reported out with one of the following recommendations: "ought to pass," "ought to pass with amendment," "recommended but to be laid on the table because not funded," or "inexpedient to legislate." Further provided that the Committee may submit to the House a supplemental budget bill which it believes to be in the best interest of the state.

(b) It shall be the duty of the Committee on Public Protection and Veterans Affairs to consider all matters affecting public protection including, but not limited to, law enforcement and the training of law enforcement officers, fire safety, civil defense, and all matters pertaining to the National Guard and other military or veterans organizations existing within the State, and such other matters as may be referred to it.

(j) It shall be the duty of the Committee on State-Federal Relations to consider potential actions by the U.S. Congress which will have a major impact on the State and the New England region and all proposed resolutions petitioning the Congress on any matter; to develop communication with the congressional delegation, to serve as a liaison between the New Hampshire House and the United States Congress, the New England Legislative Caucus and such other legislative organizations to which state appropriations are made, and to consider all interstate compacts and legislation affecting our relations with other states, and such other matters as may be referred to it.

(m) (4) It shall be the duty of the Subcommittee on House Resolutions and Screening to examine all House resolutions and proposed non-legislative activities for the purpose of determining whether or not same are of sufficient importance or interest to warrant being brought before the House. No such resolutions or activities except those proposing that the House take a policy position shall be brought before the House unless they are approved by the Subcommittee. Any such resolutions or activities brought before the House with the approval of the Subcommittee shall be scheduled so as not to interfere with the official business of the House. The term "non-legislative activities" shall include the introduction of House guests, seat pocket insertions and journal announcements.

Any resolution proposing that the House take a policy position shall be reported as "ought to be introduced" or "ought not to be introduced" within fifteen legislative days, and notice of the Subcommittee report shall appear in the calendar at least once.

The Subcommittee shall also examine all proposed legislation filed with Legislative Services to prevent, where possible, the duplication of bills or resolutions of a similar nature or content.

Rep. Lyons explained the amendment and yielded to questions.

Amendment adopted.

Amendment

Amend House Rule 41 by striking out the entire rule and inserting in the place thereof the following:

41. No amendment shall be made but upon the second reading of a bill; and all amendments to bills shall be in writing, with the name of the member and the district he represents thereon.

(a) No amendment that is not germane to the subject matter of the bill or resolution or joint resolution or concurrent resolution shall be added to any bill or resolution or joint resolution or concurrent resolution.

(b) No member of a committee of conference shall sign any report that contains non-germane amendments or subject matter that has been indefinitely postponed in either house. For the purposes of this rule, a non-germane amendment would be any subject matter not contained in either the House or the Senate version of the bill.

Rep. Lyons explained the amendment and yielded to questions.

Amendment adopted.

Amendment

Amend House Rule 45 by striking out the entire rule and inserting in place thereof the following:

45. All bills and joint resolutions appropriating state money which have been favorably reported from any committee shall be referred to the Committee on Appropriations. If any such bills or resolutions have been referred jointly to the Committee on Appropriations and another standing committee, the Committee on Appropriations may report separately and no further hearings shall be required by the Committee on Appropriations.

Rep. Lyons explained the amendment.

Amendment Adopted.

Amendment

Amend House Rule 46 by striking out the entire rule and inserting in place thereof the following:

46. No request by a member of the House for drafting a bill or resolution other than the general budget or the capital budget bill, shall be accepted by the Legislative Drafting Service for processing unless the subject matter of the legislation, with complete information as to details, has been filed with said Service no later than Wednesday, January 31, at 5:00 p.m.... Any bill or resolution providing for new state revenue, for a change in any existing state revenue statute, or containing an appropriation, other than the general budget or capital budget bill, may not be introduced into the House later than March first.

These deadlines shall not apply to Bills of Intent which may be accepted by Legislative Services until March 1 and

introduced into the House at any time prior to any deadline established by Joint Rules for the transfer of bills out of the first body.

Rep. Lvons explained the amendment.
Amendment adopted.

Amendment

Amend House Rule 59 by striking out the entire rule and inserting in place thereof the following:

59. All revenue bills, whether providing for new state revenue or an amendment to existing state revenue statutes shall be reported to the floor of the House no later than May first.

Rep. Lvons explained the amendment.
Amendment adopted.

Amendment

Amend House Rule 60 by striking out the entire rule and inserting in place thereof the following:

60. The Speaker may designate any legislative day as a consent calendar day by giving two days printed notice in the House Record. No bill shall be on a consent calendar unless the committee to which the bill was referred approves such action by a majority vote in executive session. Any member may request, on a consent calendar day, that any bill listed on consent calendar be removed from the consent calendar and placed in its proper place on the regular calendar for that same day. All matters remaining on the consent calendar shall be acted upon without debate.

Rep. Lvons explained the amendment.
Amendment adopted.

Rep. Hall offered an amendment to House Rule 41.

Amendment

Amend House Rule 41 by inserting after paragraph (b) the following new paragraph:

(c) Action on the floor of the report of a committee of conference on either the general appropriation bill, or the capital improvement bill, shall not be taken up by the House, until said report has been delivered to the members twenty-four hours in advance, in written form. Non-germane amendments and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances.

The Assistant Clerk read the amendment.
On a voice vote the Speaker was in doubt and requested a roll call.

(Speaker presiding)
YEAS 205 NAYS 122
YEAS 205

BELKNAP: Beard, Bordeau, Bowler, Lawton, Mansfield, Nighswander and Sabhow.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson, Heath and Towle.

CHESHIRE: Callaban, Close, Crane, Dostilio, Daniel Eaton, Ernst, Johnson, Kohl, O'Connor, William Riley and Jean White.

COOS: Elmer Beaulac, Brungot, Guav, Bradley Havnes, Hunt, George Lemire, Richardson, Theriault and Alcide Valliere.

GRAFTON: Ira Allen, Buckman, George Gate, Clark, Foster, Michael King, Low, Seely, Snell, Taffe and Thomson.

HILLSBOROUGH: Archambault, Aubut, Baker, Boyer, Brack, Burkush, Carswell, Compagna, Corser, Craig, Crotty, Catherine-Ann Day, L. Pennv Dion, Dolbec, Donovan, Beverly Dunont, Raymond Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinac, Granger, Sal Grasso, Guidi, Hall, Hardy, Head, Hendrick, Howard Humphrey, Jamrog, Kaklamanos, Karnis, Keefe, Lacaille, Lefebvre, Armand Lemire, Roland Lemire, Levesque, Madigan, Martineau, Mazur, McLaughlin, Morgan, Mulligan, Nardi, Naro, Nemzoff-Berman, Peter Paradv, Pastor, Pelletier, Perkins, Plomaritis, Polak, Proulx, Peter Ramsev, Richards, Paul Riley, Roy, Silva, Leonard Smith, Stahl, Stulianos, Francis Sullivan, James Sullivan, Rock Tremblay, Vachon, Van Loan, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler and James J. White.

MERRIMACK: Allgever, Avles, Bellerose, Blakenev, Bodi, Laurent Roucher, Colby, Daniell, Hill, Holliday, LaBranche, Locke, Nichols, O'Neill, Paire, Ralph, Rice, Selway, Shepard, Stio, Stockman, Stokes, Rick Trombly and Wiviott.

ROCKINGHAM: Risbee, Blake, Collins, Connors, Ellyson, Joseph Flynn, Gibbons, Jackson, Jones, Kashulines, Keenan, Roger King, Kozacka, Landry, Lavcock, LoFranco, Lovejoy, McFachern, Norman Myers, Nelson, Newell, Newman, Pantelakos, Parolise, Peterson, Pevear, Pucci, Rogers, Schwaner, Freda Smith, Stickney, Svtok, Tufts, Warburton and Woodman.

STRAFFORD: Burchell, Ronald Chagnon, Drew, Gauvin, James Herchek, Lessard, Maglaras, Morrisette, Mourgenos, Pine, Dennis Ramsey, Sackett, Schreiber, Donald Smith, Tripp, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Edmund Belak, Brodeur, D'Amante, Domini, Sim Gray, LeBrun, Townsend, Tucker and Williamson.

NAYS 122

BELKNAP: Birch, Gary Dionne, Michael Hanson, Hildreth and Matheson.

CARROLL: Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Bayhutt, Jesse Davis, Gordon, Ladd, Lynch, Nims, Proctor, Margaret Ramsay, Russell and Vrakatitsis.

COOS: Bouchard, Burns, Chappell, Fortier, Horton, Oleson, Willey, Wiswell and York.

GRAFTON: Chambers, Crory, Dearborn, LaMott, Lownes, Mann, McAvoy, Pepitone, Rounds, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Emile Boisvert, Wilfrid Boisvert, Bosse, Corey, Drewniak, Peter Flvnn, Heald, Healy, Thomas Hynes, Lamy, Lyons, Martel, Morrison, Fred Murray, Odell, Pappas, Peters, Podles, David Ramsav, Record, Soucy, Spirou, Steiner, Thibeault, Wallace, M. Arnold Wight, Cecelia Winn and Zajdel.

MERRIMACK: Bibbo, Carroll, John Cate, Milton Cate, Clements, Epstein, Kidder, Mitchell, Packard, Randlett, Doris Riley, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Appel, Blanchette, William Boucher, Butler, Marilyn Campbell, Patricia Cote, Dunfey, Flanagan, Beverly Gage, Carl Gage, Gould, Griffin, Hartford, Kane, Krasker, Leslie, Joseph MacDonald, Parr, Quimby, Schmidtchen, Skinner, Splaine, Tavitian, Vartanian, Helen Wilson and Wolfson.

STRAFFORD: Canney, Farnham, Gosselin, Joos, Pray, Preston and Valley.

SULLIVAN: Burrows, Cutting, Lucas, Palmer, Spanos and Spaulding and the amendment was adopted.

Rep. James J. White notified the Clerk that he inadvertently voted yea and meant to vote nay.

Rep. Tucker having voted with the prevailing side, moved reconsideration whereby the House adopted the Hall amendment to House Rule 41, spoke to his motion and yielded to questions.

Rep. Spirou spoke in favor of the motion and yielded to questions.

Rep. Daniell spoke against the motion.

Reps. M. Arnold Wight, Nardi and Chambers spoke in favor of the motion.

Rep. Hall spoke against the motion and yielded to questions.

Rep. Spirou yielded to questions.

Rep. Healy spoke in favor of the motion.

Rep. Wilfrid Boisvert moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 240 NAYS 91

NAYS 91

BELKNAP: Beard, Birch, Bordeau, Bowler, Gary Dionne, Michael Hanson, Hildreth, Mansfield, Matheson, Randall and Sabbow.

CARROLL: Chase, Desjardins, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Bavhutt, Callahan, Jesse Davis, Daniel Eaton, Galloway, Gordon, Ladd, Lynch, Matson, Moore, Proctor, Margaret Ramsay, William Riley, Russell and Vrakatitsis.

COOS: Bouchard, Brungot, Burns, Chappell, Fortier, Guay, Bradley Haynes, Horton, Oleson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: George Cate, Chambers, Copenhagen, Crory, Dearborn, Foster, Michael King, LaMott, Lownes, Mann, McAvoy, Rounds, Taffe, Thomson, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Emile Boisvert, Wilfrid Boisvert, Bosse, Brack, Burkush, Carswell, Compagna, Corey, Corser, Crott, Catherine-Ann Day, L. Pennv Dion, Dolbec, Drewniak, Beverly Dupont, Raymond Dupont, Peter Flvnn, Gabrielle Gagnon, Guidi, Heald, Healy, Hendrick, Thomas Hynes, Kaklamanos, Keefe, Lacaille, Lamv, Lefebvre, Lyons, Martel, McLaughlin, Morgan, Morrison, Mulligan, Fred Murray, Nardi, Naro, Odell, Pappas, Peter Paradv, Pelletier, Peters, Plomaritis, Podles, Polak, Proulx, David Ramsav, Peter Ramsev, Record, Richards, Sallada, Leonard Smith, Soucy, Spirou, Steiner, James Sullivan, Thibeault, Van Loan, Wallace, Wallin, Weaver, Welch, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and Zajdel.

MERRIMACK: Allgeyer, Ayles, Bibbo, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Clements, Colby, Daniell, Epstein, Holliday, Kidder, LaBranche, Locke, Nichols, O'Neill, Packard, Paire, Plourde, Ralph, Randlett, Doris Riley, Selway, Gerald Smith, Stio, Stockman, Stokes, Trachy, Rick Trombly, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Appel, Bisbee, Blanchette, William Boucher, Butler, Marilyn Campbell, Collins, Patricia Cote, Robert Dav, Felch, Flanagan, Joseph Flvnn, Beverly Gage, Carl Gage, Gould, Griffin, Hartford, Jackson, Jones, Kane, Keenan, Roger King, Kozacka, Krasker, Landry, Lavcock, Leslie, Loveiov, Joseph MacDonald, Nelson, Newell, Pantelakos, Parolise, Parr, Pucci, Quimby, Schmidtchen, Skinner, Freda Smith, Sticknev, Sytek, Tavitian, Vartanian, Vlack, Helen Wilson, Wolfson and Woodman.

STRAFFORD: Burchell, Canney, Ronald Chagnon, Drew, Farnham, Gosselin, Dianne Herchek, Joos, Lessard, Maglaras, Morrisette, Nadeau, Pine, Pray, Preston, Sackett, Donald Smith, Valley, Vaughan and Allen Wilson.

SULLIVAN: Burrows, Cutting, Lucas, Palmer, Spanos, Spaulding, Townsend, Tucker and Williamson.

NAYS 91

BELKNAP: Lawton.

CARROLL: Roderick Allen, Dickinson, Heath and Towle.

CHESHIRE: Crane, Dostilio, Ernst, Johnson, Kohl, Nims, O'Connor and Jean White.

COOS: Elmer Beaulac, Hunt, George Lemire and Richardson.

GRAFTON: Ira Allen, Buckman, Clark, Low, Seely and Snell.

HILLSBOROUGH: Archambault, Aubut, Boyer, Joseph Cote, Craig, Donovan, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Granger, Sal Grasso, Hall, Hardy, Head, Howard Humphrey, Jamrog, Karnis, Armand Lemire, Levesque, Madigan, Martineau, Mazur, Nemzoff-Berman, Pastor, Paul Riley, Roy, Silva, Stylianos, Francis Sullivan, Rock Tremblay, Vachon, Eliot Ware, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Bellerose, Blakeney, James Humphrey, Mitchell, Shepard and Wiviott.

ROCKINGHAM: Blake, Connors, Ellyson, Gibbons, Kashulines, LoFranco, McEachern, Norman Myers, Newman, Peterson, Pevear, Rogers, Schwaner, Splaine, Tufts and Warburton.

STRAFFORD: Gauvin, Mourgenos, Dennis Ramsey, Schreiber, Tripp and Whitehead.

SULLIVAN: Edmund Belak, Brodeur, D'Amante, Domini, Sim Gray and LeBrun and reconsideration prevailed.

Question being on the adoption of the Hall amendment to House Rule 41.

Reps. Lyons, Hildreth, Michael Hanson, Quimby and Woodman spoke against the amendment.

Rep. Hall spoke in favor of her amendment and yielded to questions.

Rep. Tucker spoke against the amendment and yielded to questions.

Rep. Daniell spoke in favor of the amendment.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 69 NAYS 267
YEAS 69

BELKNAP: Lawton.

CARROLL: Roderick Allen, Dickinson, Heath and Towle.

CHESHIRE: Crane, Ernst, Johnson and Jean White.

GRAFTON: Buckman, Clark, Low, Seely, Snell and Thomson.

HILLSBOROUGH: Aubut, Boyer, Corser, Joseph Cote, Craig, Donovan, Nancy Gagnon, Guidi, Hall, Hardy, Lefebvre, Armand Lemire, Levesque, Madigan, Mazur, McLaughlin, Nemzoff-Berman, Pastor, Paul Riley, Silva, Stylianos, Francis Sullivan, Rock Tremblay, Vachon, Emma Wheeler, Kenneth Wheeler and Zajdel.

MERRIMACK: Daniell, Shepard, Stokes and Wiviott.

ROCKINGHAM: Blake, Ellyson, Gibbons, Kashulines, LoFranco, McEachern, Norman Myers, Newman, Peterson, Pevear, Rogers, Schwaner, Splaine and Warburton.

STRAFFORD: Dennis Ramsey, Schreiber and Whitehead.

SULLIVAN: Edmund Belak, Brodeur, D'Amante, Domini, Sim Gray and LeBrun.

NAYS 267

BELKNAP: Beard, Birch, Bordeau, Bowler, Gary Dionne, Michael Hanson, Hildreth, Mansfield, Matheson, Randall and Sabbow.

CARROLL: Chase, Desjardins, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Baybutt, Callahan, Jesse Davis, Dostilio, Daniel Eaton, Galloway, Gordon, Kohl, Ladd, Lynch, Matson, Moore, Nims, O'Connor, Proctor, Margaret Ramsay, William Riley, Russell and Vrakatisis.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Chappell, Fortier, Guay, Bradley Haynes, Horton, Hunt, George Lemire, Oleson, Richardson, Theriault, Alcide Valliere, Wiswell and York.

GRAFTON: Ira Allen, George Cate, Chambers, Copenhaver, Crory, Dearborn, Foster, Michael King, LaMott, Lownes, Mann, McAvoy, Pepitone, Rounds, Taffe, Walter, Ward and Ware.

HILLSBOROUGH: Archambault, Baker, Emile Boisvert, Wilfrid Boisvert, Bosse, Brack, Burkush, Carswell, Compagna, Crory, Crotty, Catherine-Ann Dav, L. Penny Dion, Dolbec, Drewniak, Beverly Dupont, Raymond Dupont, Joseph Eaton, Peter Flynn, Gabrielle Gagnon, Granger, Sal Grasso, Head, Heald, Healy, Hendrick, Thomas Hynes, Jamrog, Kaklamanos, Karnis, Keefe, Lacaillade, Lamv, Roland Lemire, Lyons, Martel, Martineau, Morgan, Morrison, Mulligan, Fred Murray, Nardi, Naro, Odell, Pappas, Peter Paradv, Pelletier, Peters, Plomaritis, Podles, Polak, Proulx, David Ramsay, Peter Ramsey, Record, Richards, Sallada, Edward Smith, Leonard Smith, Soucy, Spiro, Stahl, Steiner, James Sullivan, Thibeault, Van Loan, Wallace, Wallin, Eliot Ware, Weaver, Welch, Robert Wheeler, James J. White, M. Arnold Wight and Cecelia Winn.

MERRIMACK: Allgeyer, Ayles, Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Clements, Colby, Epstein, Hill, Holliday, James Humphrey, Kidder, LaBranche, Locke, Mitchell, Nichols, O'Neill, Packard, Paire, Plourde, Ralph, Randlett, Rice, Doris Riley, Selway, Stio, Stockman, Trachy, Rick Trombly, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Appel, Bisbee, Blanchette, William Boucher, Rutler, Marilyn Campbell, Collins, Patricia Cote, Robert Day, Dunfee, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gould, Griffin, Hartford, Jackson, Jones, Kane, Keenan, Roger King, Kozacka, Krasker, Landry, Laycock, Leslie, Lovejoy, Joseph MacDonald, Nelson, Newell, Pantelakos, Parolise, Parr, Pucci, Quimby, Scamman, Schmidtchen, Skinner, Freda Smith, Stickney, Sytek, Tavitian, Tufts, Vartanian, Vlack, Helen Wilson, Wolfson and Woodman.

STRAFFORD: Burchell, Cannev, Ronald Chagnon, Drew, Farnham, Gauvin, Gosselin, Dianne Herchek, James Herchek, Joos, Lessard, Maglaras, Morrisette, Mourgenos, Nadeau, Pine, Prav, Preston, Sackett, Donald Smith, Tripp, Valley, Vaughan and Allen Wilson.

SULLIVAN: Burrows, Cutting, Lucas, Palmer, Spanos, Spaulding, Townsend, Tucker, Wiggins and Williamson and the amendment lost.

Rep. Chambers offered an amendment to House Rule 47.

Amendment

Amend House Rule 47 by striking out same and inserting in place thereof the following:

47. No standing rule of the House shall be suspended unless two-thirds of the members present vote in favor thereof. The above rule shall not apply to House Rules 24 and 52.

The Assistant Clerk read the amendment.

Rep. Chambers explained her amendment and withdrew her amendment.

Reps. Chambers and Spirou offered an amendment to House Rule 52.

Amendment

Amend House Rule 52 by striking out same and inserting in place thereof the following:

52. (a) The order of business in the early session shall be as follows:

1. Prayer by the Chaplain, pledge of allegiance and leaves of absence if received before the start of the legislative day;

2. Petitions of members and personal privilege;

3. Consideration of unfinished business;

4. Introduction, first and second reading and reference of bills;

5. Messages from the Senate, the Governor and the Secretary of State;

6. Consideration of consent calendar items;

7. Reports from standing and select committees;

8. Resolutions, motions and notices;

9. Adjournment from the early session.

(b) The order of business in the late session shall be as follows:

1. Third reading of bills, resolutions and joint resolutions;

2. Resolutions and motions;

3. Adjournment to a date certain.

(c) Leaves of absence may be granted by the House at any time.

(d) The order of business listed in this rule shall be adhered to unless otherwise ordered by a majority of those members of the House present and voting.

The Assistant Clerk read the amendment.

Rep. Chambers explained the amendment and yielded to questions.

Rep. Lyons spoke against the amendment and yielded to questions.

Rep. Chase offered an amendment to the Chambers amendment.

Amendment

Amendment to amendment to House Rule 52 as offered by Rep. Chambers.

Strike out 5. and insert in place thereof the following:

5. Messages from the Governor and the Secretary of State.

Messages from the Senate shall be received at all times, except when engaged in putting a question, in calling the yeas and nays, or in counting the ballots. When a message shall be received from the Senate it shall be announced by the Speaker.

The Assistant Clerk read the amendment.

Rep. Chase explained the amendment.

Reps. LaMott and Townsend spoke against the amendment.

Rep. Rod Allen moved that further consideration of the amendment be postponed until next Tuesday and yielded to questions.

Reps. Sackett, Chase and Tucker spoke against the Allen motion.

Motion lost.

Question being on the Chase amendment.

Amendment lost.

Question being on the Chambers amendment to House Rule 52.

Rep. Chase spoke in favor of the amendment and yielded to questions.

Rep. Tucker spoke against the amendment and yielded to questions.

Rep. M. Arnold Wight spoke against the amendment.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 169 NAYS 155

YEAS 169

BELKNAP: Bordeau, Bowler, Hildreth and Sabbow.

CARROLL: Roderick Allen, Chase, Dickinson and Towle.

CHESHIRE: Crane, Daniel Eaton, Ernst, Johnson, Lynch, Nims, O'Connor, Proctor, Margaret Ramsay, William Riley, Russell and Jean White.

COOS: Elmer Beaulac, Bouchard, Brungot, Guav, George Lemire, Richardson, Theriault and Alcide Valliere.

GRAFTON: George Cate, Chambers, Clark, Copenhaver, Crory, Michael King and Snell.

HILLSBOROUGH: Archambault, Aubut, Baker, Rover, Brack, Burkush, Compagna, Crotty, Catherine-Ann Day, Dolbec, Donovan, Dreniak, Beverly Dupont, Raymond Dupont, Clvde Eaton, Joseph Eaton, Gabrielle Gagnon, Granger, Guidi, Hall, Hardy, Hendrick, Howard Humphrey, Jamrog, Kakiannos, Karnis, Lamy, Lefehvre, Armand Lemire, Roland Lemire, Madigan, Martineau, Mazur, Mulligan, Fred Murray, Nardi, Nemzoff-Berman, Pappas, Pastor, Plomaritis, Proulx, Peter Ramsev, Rov, Silva, Edward Smith, Leonard Smith, Soucy, Spirou, Stylianos, Francis Sullivan,

JAMES SULLIVAN, Thirbault, Rock Tremblay, Vachon, Wallace, Wallin, Welch, Kenneth Wheeler, Robert Wheeler, James J. White, Cecelia Winn and Zajdel.

MERRIMACK: Allgever, Bellerose, Blakenev, Bodi, Carroll, Daniell, Epstein, Hill, Holliday, James Humphrey, LaBranche, Nichols, Plourde, Ralph, Rice, Selway, Stio and Rick Trombly.

ROCKINGHAM: Aeschliman, Blake, Butler, Collins, Connors, Dunfee, Felch, Gibbons, Kashulines, Keenan, Kozacka, Krasker, Landry, Laycock, Leslie, LoFranco, Joseph MacDonald, McEachern, Nelson, Newman, Pantelakos, Parolise, Peterson, Pucci, Rogers, Scamman, Freda Smith, Splaine and Warburton.

STRAFFORD: Burchell, Donald Chagnon, Drew, Farnham, Gauvin, Dianne Herche, James Herche, Joos, Lessard, Maglaras, Morrisette, Mourgenos, Nadeau, Pine, Dennis Ramsey, Schreiber, Tripp and Whitehead.

SULLIVAN: Edmund Belak, Brodeur, Burrows, D'Amante, Sim Gray, LeBrun and Lucas.

NAYS 155

BELKNAP: Beard, Birch, Garv Dionne, Michael Hanson, Lawton, Mansfield, Matheson and Randall.

CARROLL: Desjardins, Heath, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Bayhutt, Callahan, Close, Jesse Davis, Galloway, Gordon, Kohl, Ladd and Vrakatisis.

COOS: Burns, Chappell, Fortier, Bradley Haynes, Horton, Hunt, Oleson, Willey, Wiswell and York.

GRAFTON: Ira Allen, Dearborn, LaMott, Low, Lownes, Mann, McAvoy, Pepitone, Rounds, Taffe, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Emile Boisvert, Wilfrid Boisvert, Bosse, Carswell, Corey, Corser, Joseph Cote, Craig, L. Penny Dion, Peter Flynn, Nancy Gagnon, Sal Grasso, Head, Heald, Thomas Hynes, Keefe, Levesque, Lyons, Martel, McLaughlin, Morgan, Morrison, Naro, Odell, Peter Paraday, Peters, Podles, Polak, David Ramsay, Record, Richards, Sallada, Stahl, Van Loan, Eliot Ware, Weaver, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Gate, Clements, Colby, Kidder, Locke, Mitchell, Packard, Randlett, Doris Rilev, Shepard, Stockman, Stokes, Trachv, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Appel, Bisbee, William Boucher, Marilyn Campbell, Patricia Cote, Robert Day, Ellyson, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gould, Griffin, Hartford, Jackson, Jones, Kane, Roger King, Lovejoy, Norman Myers, Newell, Parr, Quimby, Schmidchen, Schwane, Skinner, Stickney, Sytek, Tavitian, Tufts, Vartanian, Vlack, Helen Wilson, Wolfson and Woodman.

STRAFFORD: Canney, Gosselin, Pray, Preston, Sackett, Donald Smith, Valley, Vaughan and Allen Wilson.

SULLIVAN: Cutting, Domini, Palmer, Spaulding, Townsend, Tucker, Wiggins and Williamson and the amendment was adopted.

Rep. Chambers offered an amendment to House Rule 47.

Amendment

Amend House Rule 47 by striking out same and inserting in place thereof the following:

47. No standing rule of the House shall be suspended unless two-thirds of the members present vote in favor thereof. The above rule shall not apply to House Rules 24 and 52.

The Assistant Clerk read the amendment. Rep. Chambers explained her amendment. Amendment adopted.

Reps. Tucker and Spirou moved that the 1977 House Rules as amended be adopted as the 1979 House Rules. Adopted.

HB 14, requiring Plymouth State College to pay 1/3 of the annual expenses of maintenance and operation of the town incinerator to Plymouth. Inexpedient to Legislate. Rep. Arnold B. Perkins for Municipal and County Government.

This bill is similar to a bill submitted last session after which the University of New Hampshire entered into an agreement with the selectmen of the Town of Plymouth. The Committee feels that this agreement should be changed instead of submitting this bill to the Legislature. Vote 14 - 1.

Rep. Dearborn moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Dearborn withdrew his motion.

Rep. Dearborn moved that HB 14 be made a Special Order for Thursday, February 1 and spoke to his motion.

Adopted.

HR 24, repealing the requirement of selectmen to perambulate town lines. Inexpedient to Legislate. Rep. Robert C. Callahan for Municipal and County Government.

This bill is incomplete and does not in any way answer the question or solve the proposed problems. Unanimous vote.

Resolution adopted.

HB 7, relative to the operation of state liquor stores on Sundays and making an appropriation therefor. Ought to Pass.

Rep. Lynn C. Horton for Regulated Revenues.

It is the opinion of the Committee that by having 13 liquor stores open on Sunday will provide much needed additional revenue to the state. Most of this revenue would come from tourists. Committee vote was unanimous. To Ways and Means.

Rep. Ward moved that HB 7 be made a Special Order for Thursday, February 1. Adopted.

HB 10, to allow 16 or 17 year old grocery store clerks, cashiers, and baggers to handle wine. Ought to Pass. Rep. Robert M. Lawton for Regulated Revenues.

This bill allows 16 and 17 year old grocery store clerks, cashiers, and baggers to handle wine. It was an oversight in the original wine bill. They can already handle beer. Vote 18 - 0.

Rep. Ward explained the committee report. Adopted.
Ordered to third reading.

House Resolution No. 24 (from 1977 Session), establishing an interim committee on occupational licensing and regulatory boards. Rep. Sara M. Townsend for the Select Committee on Occupational Licensing and Regulatory Boards.

Rep. Townsend moved that the report of the Select Committee on Occupational Licensing and Regulatory Boards, be made a Special Order for Thursday, February 1 and spoke to her motion.

Adopted.

Rep. Tucker moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns it be to meet Thursday, February 1 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HCR 1, adopting joint rules for the 1979 session.

HB 10, to allow 16 or 17 year old grocery store clerks, cashiers, and baggers to handle wine.

UNANIMOUS CONSENT

Rep. Spirou addressed the House under Unanimous consent.

COMMUNICATION

Mr. James A. Chandler
House Clerk

On January 17, 1979, the following representative-elect appeared before the Governor and Council and was sworn into office:
Cheshire County District No. 15 (Keene, Ward 4)

Floyd A. Kohl, Keene 03431 (33 Pako Avenue)

Sincerely,
Robert P. Ambrose
Deputy Secretary of State

The Speaker introduced Rep. Kohl.

Rep. Kohl was assigned to the Committee on Ways and Means.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. William Boucher, Robert Day and Schmidtchen offered the following:

RESOLUTION ON THE DEATH OF HONORABLE PETER C. GASKILL

WHEREAS, we have learned with sorrow of the death of Peter C. Gaskill, a former Representative from Londonderry, and

WHEREAS, former Representative Gaskill served diligently as a member of the House of Representatives for three Sessions, and

WHEREAS, he served his community faithfully and with efficiency, therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend our sympathy to his family, and he it further

RESOLVED, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote of silent prayer.

Reps. Tucker, Lyons, Spirou, Chambers, Griffin and Hildreth moved that the House stand in recess to convene only for the purpose of introducing bills and adjourn to Thursday, February 1 at 1:00 p.m.

Adopted.

RECESS

Rep. Lyons moved that the House adjourn. Adopted.

HOUSE JOURNAL 5

Thursday 1Feb79

The House met at 1:00 p.m.

Prayer was offered by The House
Chaplain, Rev. William L. Quirk.

Let us Pray:

God of all mankind, we ask You to shower
Your heavenly blessings on all of us
gathered here today.

We seek Your truth and goodness to be
with us which will mean that we freely place
ourselves at one another's service. Let
this be the guiding spirit of this day.

With trust in Your wisdom, Heavenly
Father, we ask that you direct us for the
good of all we are called to represent. All
things informed with Your goodness will
conform to Your plan for us.

Let our decisions dwell in Your peace,
make our laws protect the sacredness of our
homes, help us to practice virtue, enthrone
justice and protect our lives and property.

Finally, Almighty Father, direct all our
actions by Your holy inspiration, carry on
our work by Your gracious assistance - so
that action we do may always begin from You
and by You be happily ended. Amen.

Rep. Lawton led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Carpenito, DeNafio, Hoar,
Bellerose, Meader, Thibeault, John Winn,
Stimmell, Hartford, French and Milton Gate,
the day, illness.

Reps. Gail Morrison, Aime Paradis,
Scranton, Demers, Rice, Mazur, Lacaille,
Vaughan, Odell and Gould, the day, important
business.

Reps. Sanders Valley, death in the
family.

INTRODUCTION OF GUESTS

Civics Class of Newmarket High School
and their chaperons, guests of Reps.
Blanchette and Wojnowski; Anita Crane, wife
of Rep. Crane; Mrs. Mary Caspersen and Mrs.
Helen Fenelly, guests of Rep. Brack.

The Speaker called for the Special
Orders.

HB 14, requiring Plymouth State College
to pay 1/3 of the annual expenses of
maintenance and operation of the town
incinerator to Plymouth. Inexpedient to
Legislate. Rep. Arnold B. Perkins for
Municipal and County Government.

This bill is similar to a bill submitted
last session after which the University
of New Hampshire entered into an
agreement with the selectmen of the Town
of Plymouth. The Committee feels that
this agreement should be changed instead
of submitting this bill to the
Legislature. Vote 14 - 1.

Rep. Dearborn moved that the words,
Ought to Pass, be substituted for the
committee report, Inexpedient to Legislate,
and spoke to his motion.

Rep. Mann spoke against the motion.
Motion lost.

Question being on the committee report.
Resolution adopted.

Reps. Tucker and Spirou moved that
debate be limited to 40 minutes equally
divided.

Adopted.

HB 7, relative to the operation of state
liquor stores on Sundays and making an
appropriation therefor. Ought to Pass.

Rep. Lynn C. Horton for Regulated Revenues.
It is the opinion of the Committee that
having 13 liquor stores open on Sunday
will provide much needed additional
revenue to the state. Most of this
revenue would come from tourists.
Committee vote was unanimous.

Referred to the Committee on Ways and
Means.

House Resolution No. 24 (from 1977
Session), establishing an interim committee
on occupational licensing and regulatory
boards. Rep. Sara M. Townsend for Select
Committee on Occupational Licensing and
Regulatory Boards.

This report proposes a Centralized
Division of Licensing and Registration
to be located in the Secretary of
State's Office to handle applications
for and renewal of occupational and
professional licenses.

The Committee is proposing an on-line
computerized system to perform licensing
functions. Further, the Committee
proposes a central unit of inspectors
and investigators as well as a
centralized administrative and clerical
unit.

Reps. Townsend and Spirou spoke to the
report.

Report accepted.

Rep. Lyons offered the following:

RESOLVED, that in accordance with the
list in possession of the clerk, House Bills
numbered 130 through 149 and HB1 2007 shall
be by this resolution read a first and
second time by the therein listed titles,
sent for printing and referred to the
therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 130, relative to investment laws for
savings banks. (Crory of Grafton Dist. 13;
Burns of Coos Dist. 4; Ward of Grafton Dist.
1; Plomaritis of Hillsborough Dist. 15;
Pucci of Rockingham Dist. 5; Hynes of
Hillsborough Dist. 25; Logan of Grafton
Dist. 14; Plourde of Merrimack Dist. 7;
Baker of Hillsborough Dist. 14; Morgan of
Hillsborough Dist. 3 - To Commerce and
Consumer Affairs)

HB 131, relative to the disposition of fines collected for making false statements in procuring fish and game licenses. (Desjardins of Carroll Dist. 2 - To Municipal and County Government)

HB 132, prohibiting construction of the Hampton liquor store in the town of Hampton Falls. (Dunfey of Rockingham Dist. 12; Parr of Rockingham Dist. 12; Flynn of Rockingham Dist. 12; Woodman of Rockingham Dist. 12; Pevear of Rockingham Dist. 12; Sen. Preston of Dist. 23 - To Public Works)

HB 133, establishing a Pittsfield judicial district and a Pittsfield district court. (Ayres of Merrimack Dist. 8; Waters of Merrimack Dist. 9; Sen. Gardner of Dist. 4; Stockman of Merrimack Dist. 8 - To Judiciary)

HB 134, relative to certain public utility companies establishing future credit accounts to reimburse customers for payment of certain surcharges. (French of Belknap Dist. 1 - To Commerce and Consumer Affairs)

HB 135, establishing the position of therapeutic recreation specialist and making an appropriation therefor. (Therault of Coos Dist. 9; Tufts of Rockingham Dist. 13 - To Resources, Recreation and Development)

HB 136, relative to allowing a civil commission to be registered in a new name if the name is legally changed. (Wilson of Strafford Dist. 11 - To Statutory Revision)

HB 137, outlawing the use of buckshot for deer hunting. (Wiggins of Sullivan Dist. 8 - To Fish and Game)

HB 138, relating to liability for expenses incurred in court ordered placement of children. (Murray of Hillsborough Dist. 3 - To Judiciary)

HB 139, to limit responsibility for local welfare payments. (Murray of Hillsborough Dist. 3 - To Municipal and County Government)

HB 140, relative to planning board procedures involving subdivisions. (Lovejoy of Rockingham Dist. 4; Flanagan of Rockingham Dist. 6 - To Municipal and County Government)

HB 141, relative to the importing and releasing of wild animals in the state. (Desjardins of Carroll Dist. 2 - To Fish and Game)

HB 142, relative to changing the calendar for zoning ordinances to allow for all hearings and public input as now but allowing more time between the time of preparation of the ballot with zoning questions and the time of voting. (Sallada of Hillsborough Dist. 6 - To Municipal and County Government)

HB 143, relative to verification of distance statements for legislative mileage. (Newman of Rockingham Dist. 18 - To Legislative Administration)

HB 144, to permit certain qualified persons other than registered nurses to administer oral medications. (Blanchette of Rockingham Dist. 14; Pine of Strafford Dist. 4 - To Health and Welfare)

HB 145, to increase the highway subsidy apportioned to cities and towns and to repeal the provision for additional subsidies. (Matson of Cheshire Dist. 6; Wiggins of Sullivan Dist. 8 - To Public Works)

HB 146, relative to legislative mileage computations. (Newman of Rockingham Dist. 18 - To Legislative Administration)

HB 147, relative to the ocean rearing of anadromous fish. (Felch of Rockingham Dist. 11 - To Environment and Agriculture)

HB 148, providing for seasons and bag limits on snowshoe hares and cottontail rabbits. (Felch of Rockingham Dist. 11 - To Fish and Game)

HB 149, relative to expenses for insurance examiners and making an appropriation therefor. (Kidder of Merrimack Dist. 1 - To Appropriations)

HRI 2002, investigating the dangers of exposure to low-level radiation emissions. (Burchell of Strafford Dist. 12; Dunfey of Rockingham Dist. 12; Woinowski of Rockingham Dist. 14 - To Science and Technology)

SENATE MESSAGE

REQUEST CONCURRENCE WITH AMENDMENT

HCR 2, relating to child fire safety and the right to manufacture a safer matchbook. (Amendment printed SJ January 16)

Rep. Lawton moved that the House concur. Adopted.

COMMITTEE REPORTS

HB 15, concerning AREA schools incurring indebtedness. Ought to Pass with Amendment. Rep. Bettv Jo Taffe for Education.

This bill corrects an inequity in the present AREA law by allowing a sending district to vote whether or not to be obligated by bonded indebtedness approved by the receiving district before the expiration of the original AREA agreement. The bill leaves the original contract between receiving and sending districts intact, but prevents a receiving district from indefinitely extending that contract without a vote of the sending district. Committee vote 14 - 0.

Amendment

Amend RSA 195-A:14, VI as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VI. Notwithstanding any other provisions of this chapter, if a receiving district has voted subsequent to the date of operating responsibility to approve a bond issue for construction of new facilities or additions to an area school, a sending district may, upon request of its school board, vote within 45 days of the vote of the receiving district approving the bond issue to approve being further obligated to or to terminate its association in the area plan, such termination to take effect subsequent to the full payment of all previously agreed upon bonded indebtedness, including the original bonded indebtedness incurred in the formation of the area school district. The vote to approve or disapprove further participation of the sending district shall be taken by secret ballot at an annual or special meeting of the sending district. The article in the warrant for such district meeting and the question on the ballot to be used at the meeting shall

be in substantially the following form:

"Shall the sending district
..... agree to be obligated for
further bonded indebtedness approved by the
..... school district, the
receiving district?"
.....Yes
.....No

If 2/3 of the voters present and voting vote in the negative, the sending district shall be deemed to have voted to withdraw from the area plan upon the expiration of all previously existing approved debt. Until that time, the withdrawing district shall be required to pay a per pupil rental charge based on the formula in the area agreement.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Rep. Kenneth Smith moved that the rules be so far suspended so as to permit consideration at the present time of HB 129, legalizing the special meeting of the Governor Wentworth regional school district and granting authority for the organizational meeting of the Moultonborough school district, without public hearing and committee report.

Adopted by the necessary two-thirds.

Rep. Kenneth Smith moved that HB 129 be ordered to third reading.
Adopted.

SUSPENSION OF RULES

Rep. Kenneth Smith moved that the rules be so far suspended so as to permit HB 129, legalizing the special meeting of the Governor Wentworth regional school district and granting authority for the organizational meeting of the Moultonborough school district, to be read a third time and passed at the present time.

Adopted by the necessary two-thirds.

Rep. Kenneth Smith moves that HB 129, legalizing the special meeting of the Governor Wentworth regional school district and granting authority for the organizational meeting of the Moultonborough school district, be read a third time and passed.

Adopted.

Third reading and final passage

HB 129, legalizing the special meeting of the Governor Wentworth regional school district and granting authority for the organizational meeting of the Moultonborough school district.

COMMITTEE APPOINTMENTS

Rep. K. Michael Tavitian, Transportation Committee, Chairman.

Reps. Elaine Lyons and Paul LaMott, Joint Committee on Legislative Facilities.

COMMITTEE CHANGES

Rep. Kenneth C. Smith, Sr. off Statutory Revision, on Transportation, Vice Chairman.

Under Rule 60, the Speaker designated Thursday, February 8 as a Consent Calendar Day.

Rep. Lyons moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time and when the House adjourns today it be to meet Thursday, February 8, at 1:00 p.m.
Adopted.

LATE SESSION

Third reading and final passage

HR 15, concerning ARFA schools incurring indebtedness.

Rep. Lyons moved that the House stand in recess to convene only for the purpose of introducing bills.

Adopted.

(Rep. French in the Chair)

Rep. Parr offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 150 through 190 and CACRs numbered 5 and 6 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS AND CACRs

First, second reading and referral

HR 150, relating to insurance premiums on automobiles equipped with air bags. (Smith of Carroll Dist. 3 - To Commerce and Consumer Affairs)

HB 151, relative to security deposits for residential customers of public utilities. (Crory of Grafton Dist. 13; Wallin of Hillsborough Dist. 16; Pucci of Rockingham Dist. 5 - To Commerce and Consumer Affairs)

HB 152, relative to the registration of trail-cycles. (Girolimon of Hillsborough Dist. 30 - To Transportation)

HB 153, relative to the acquisition of agricultural preservation restrictions. (Campbell of Rockingham Dist. 5; Sen. Hancock of Dist. 15 - To Environment and Agriculture)

HR 154, to increase the exemption from taxation on interest and dividends. (McLane of Merrimack Dist. 16 - To Ways and Means)

HB 155, requiring public utilities' rates to be based on a current level of services. (Chambers of Grafton Dist. 13; Spiro of Hillsborough Dist. 27; Spanos of

Sullivan Dist. 6; Hildreth of Belknap Dist. 6; C. Winn of Hillsborough Dist. 19; Krasker of Rockingham Dist. 22; Burchell of Strafford Dist. 12; Dunfev of Rockingham Dist. 12; Russell of Cheshire Dist. 13; Soucy of Hillsborough Dist. 32; Aeschliman of Rockingham Dist. 18; Archambault of Hillsborough Dist. 8; Baker of Hillsborough Dist. 14; Beaulac of Coos Dist. 7; Belak of Sullivan Dist. 2; Blanchette of Rockingham Dist. 14; Bodi of Merrimack Dist. 7; Roisvert of Hillsborough Dist. 22; Bordeau of Belknap Dist. 6; Bowler of Belknap Dist. 3; Boyer of Hillsborough Dist. 20; Brack of Hillsborough Dist. 28; Brodeur of Sullivan Dist. 5; Burkush of Hillsborough Dist. 33; Burrows of Sullivan Dist. 5; Campbell of Sullivan Dist. 6; Carpenito of Rockingham Dist. 5; Carroll of Merrimack Dist. 19; Chagnon of Strafford Dist. 7; Compagna of Hillsborough Dist. 36; Copenhaver of Grafton Dist. 13; Cotton of Rockingham Dist. 20; Coutermarsh of Hillsborough Dist. 24; Crorv of Grafton Dist. 13; Crotty of Hillsborough Dist. 30; D'Amante of Sullivan Dist. 5; Daniell of Merrimack Dist. 13; Day of Hillsborough Dist. 26; DeNafio of Strafford Dist. 19; Dion of Hillsborough Dist. 21; Donovan of Hillsborough Dist. 24; Drew of Strafford Dist. 21; Drewniak of Hillsborough Dist. 30; Epstein of Merrimack Dist. 15; Fisher of Hillsborough Dist. 23; Flynn of Hillsborough Dist. 15; Gagnon of Hillsborough Dist. 13; Gauvin of Strafford Dist. 14; Gibbons of Rockingham Dist. 4; Grassie of Strafford Dist. 12; Guidi of Hillsborough Dist. 33; Haynes of Coos Dist. 1; Hendrick of Hillsborough Dist. 13; Herchek, D. of Strafford Dist. 16; Herchek, J. of Strafford Dist. 16; Hoar of Rockingham Dist. 8; Holliday of Merrimack Dist. 3; Jackson of Rockingham Dist. 9; Joos of Strafford Dist. 1; Kaklamanos of Hillsborough Dist. 21; Keenan of Rockingham Dist. 11; King of Grafton Dist. 13; Kozacka of Rockingham Dist. 13; Landry of Rockingham Dist. 23; Laycock of Rockingham Dist. 5; LeBrun of Sullivan Dist. 3; Lemire of Hillsborough Dist. 35; Lemire of Coos Dist. 8; Leslie of Rockingham Dist. 5; LoFranco of Rockingham Dist. 21; Lynch of Cheshire Dist. 12; MacDonald of Rockingham Dist. 20; Madigan of Hillsborough Dist. 24; Matson of Cheshire Dist. 6; Morrison of Hillsborough Dist. 14; Mourgenos of Strafford Dist. 19; Mulligan of Hillsborough Dist. 19; Nemzoff-Berman of Hillsborough Dist. 18; Newman of Rockingham Dist. 18; O'Neill of Merrimack Dist. 17; Pantelakos of Rockingham Dist. 23; Pappas of Hillsborough Dist. 18; Parr of Rockingham Dist. 12; Pastor of Hillsborough Dist. 17; Pevear of Rockingham Dist. 12; Pine of Strafford Dist. 4; Plomaritis of Hillsborough Dist. 15; Proctor of Cheshire Dist. 14; Proulx of Hillsborough Dist. 35; Pucci of Rockingham Dist. 5; Ralph of Merrimack Dist. 13; Ramsav of Cheshire Dist. 5; Ramsev of Strafford Dist. 13; Reidy of Hillsborough Dist. 34; Rice of Merrimack Dist. 20; Riley of Cheshire Dist. 10; Riley of Strafford Dist. 36; Seely of Grafton Dist. 10; Smith of Rockingham Dist. 5; Smith of Hillsborough Dist. 34; Smith of Hillsborough Dist. 14; Splaine of Rockingham Dist. 19; Stokes of Merrimack Dist. 18; Sullivan of Hillsborough Dist. 30; Taffe of

Grafton Dist. 5; Theriault of Coos Dist. 9; Tremblay of Hillsborough Dist. 36; Tromblv of Merrimack Dist. 10; Vaughn of Strafford Dist. 5; Wallace of Hillsborough Dist. 22; Wallin of Hillsborough Dist. 16; Welch of Hillsborough Dist. 28; Wheeler of Hillsborough Dist. 8; Winn of Hillsborough Dist. 19; Wojnowski of Rockingham Dist. 14; Zajdel of Hillsborough Dist. 29; Sen. Allen of Dist. 7; Sen. Fennelly of Dist. 21; Sen. Hancock of Dist. 15; Sen. Splaine of Dist. 24 - To Commerce and Consumer Affairs)

HR 156, requiring persons engaged in the hunting of game animals to wear a hunting cap or any article of clothing in a color known as hunter orange. (Rounds of Grafton Dist. 12; Dickinson of Carroll Dist. 2 - To Fish and Game)

HR 157, concerning loans to medical and veterinary students. (LaMott of Grafton Dist. 6; Ramsav of Cheshire Dist. 5; Scranton of Cheshire Dist. 16; Tucker of Sullivan Dist. 4; Ainley of Hillsborough Dist. 25; Sen. Hough of Dist. 5 - To Education)

HR 158, relative to reserving slots in veterinary and medical schools for New Hampshire residents. (LaMott of Grafton Dist. 6; Ramsav of Cheshire Dist. 5; Scranton of Cheshire Dist. 16; Tucker of Sullivan Dist. 4; Ainley of Hillsborough Dist. 25; Sen. Hough of Dist. 5 - To Education)

HR 159, relative to the grace period for retaining a temporary plate for a motorcycle. (Smith of Carroll Dist. 3 - To Transportation)

HR 160, prohibiting employers from giving lie detector tests to employees. (Dunfev of Rockingham Dist. 12; Sen. Splaine of Dist. 24 - To Judiciary)

HR 161, relative to authorization by town meetings for expenditure of monies made available to towns during the year. (Bibbo of Merrimack Dist. 2 - To Municipal and County Government)

HR 162, requiring full state maintenance for state route 28 in the town of Salem. (Parolise of Rockingham Dist. 5; Gage of Rockingham Dist. 5; Pucci of Rockingham Dist. 5; Sytek of Rockingham Dist. 5; Campbell of Rockingham Dist. 5; Smith of Rockingham Dist. 5; Carpenito of Rockingham Dist. 5; Leslie of Rockingham Dist. 5; Laycock of Rockingham Dist. 5; Sen. Roy of Dist. 22 - To Public Works)

HR 163, relative to interest charges on unpaid public utility bills. (Cate of Merrimack Dist. 14 - To Commerce and Consumer Affairs)

HR 164, relative to allowing 16 year olds to serve on volunteer fire departments. (Snell of Grafton Dist. 4 - To Public Protection & Veterans' Affairs)

HR 165, relative to disqualification from office. (Bibbo of Merrimack Dist. 2; Packard of Merrimack Dist. 4 - To Statutory Revision)

HR 166, relative to OHRVs and trail-cycles registered for street or highway use. (Girolimon of Hillsborough Dist. 30 - To Transportation)

HR 167, relative to pistol permits. (McManus of Strafford Dist. 18 - To Public Protection and Veterans' Affairs)

HB 168, increasing the time frame for certain hearings. (Collins of Rockingham Dist. 5 - To Municipal and County Government)

HB 169, relative to fees for licenses to provide emergency medical services. (Matson of Cheshire Dist. 6; Callahan of Cheshire Dist. 2 - To Transportation)

HB 170, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 21 years. (Parolise of Rockingham Dist. 5; Blake of Rockingham Dist. 8; Gage of Rockingham Dist. 5; Campbell of Rockingham Dist. 5; Smith of Rockingham Dist. 5; Carpenito of Rockingham Dist. 5; Snell of Grafton Dist. 4; Wheeler of Hillsborough Dist. 11; Silva of Hillsborough Dist. 11; Matson of Cheshire Dist. 6; Murray of Hillsborough Dist. 3; Lavcock of Rockingham Dist. 5; Clements of Merrimack Dist. 1; Keller of Carroll Dist. 5; Soucy of Hillsborough Dist. 32; Woodman of Rockingham Dist. 12; Sullivan of Hillsborough Dist. 30; Rogers of Rockingham Dist. 10; Jamrog of Hillsborough Dist. 28; LoFranco of Rockingham Dist. 12; Warburton of Rockingham Dist. 8; Gagnon of Hillsborough Dist. 13; MacDonald of Rockingham Dist. 20; Sen. Roy of Dist. 22 - To Regulated Revenues)

HB 171, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 20 years. (Cote of Hillsborough Dist. 28; Bosse of Hillsborough Dist. 1 - To Regulated Revenues)

HB 172, relative to the compensation paid to certain probate judges. (Woodman of Rockingham Dist. 12 - To Judiciary)

HB 173, authorizing the issuance of an occupational driver's license. (D'Amante of Sullivan Dist. 5; Dearborn of Grafton Dist. 11; Humphrey of Merrimack Dist. 11 - To Transportation)

HB 174, granting additional law enforcement powers to boating inspectors to make arrests. (MacDonald of Carroll Dist. 4 - To Judiciary)

HB 175, eliminating the prohibition of sales of pistols and revolvers to aliens. (MacDonald of Carroll Dist. 4 - To Public Protection and Veterans' Affairs)

HB 176, relative to political contributions made by persons affected by a sunset review. (McManus of Strafford Dist. 18 - To Legislative Administration)

HB 177, requiring all motor trucks to be equipped with bumpers or suitable collision protection. (Seely of Grafton Dist. 10 - To Transportation)

HB 178, relative to making certain changes in beano game licensing requirements. (Granger of Hillsborough Dist. 13 - To Regulated Revenues)

HB 179, making a supplemental appropriation to the youth development center. (Riley of Cheshire Dist. 10; Cote of Rockingham Dist. 7 - To Appropriations)

HB 180, to provide for the protection of native wildlife species facing possible extinction. (Corser of Hillsborough Dist. 7; Dickinson of Carroll Dist. 2 - To Fish and Game)

HB 181, concerning qualifications to be a candidate for public office. (Boisvert of Hillsborough Dist. 22 - To Statutory Revision)

HB 182, establishing the Seabrook district court. (Felch of Rockingham Dist. 11; Keenan of Rockingham Dist. 11 - To Judiciary)

HB 183, relative to making certain changes in the marriage laws. (Packard of Merrimack Dist. 4 - To Judiciary)

HB 184, legalizing the Holderness school district meeting of March 8, 1978. (Buckman of Grafton Dist. 9 - To Municipal and County Government)

HB 185, concerning waivers from participation in the school lunch program. (Blanchette of Rockingham Dist. 14 - To Education)

HB 186, relative to the taking of lake trout and salmon through ice. (Smith of Merrimack Dist. 21; Polak of Hillsborough Dist. 14 - To Fish and Game)

HB 187, removing certain air navigation from jurisdiction of the port authority. (Stockman of Merrimack Dist. 8 - To Transportation)

HB 188, repealing the Dover, Somersworth and Rochester airport authority. (Stockman of Merrimack Dist. 8 - To Transportation)

HB 189, making a supplemental appropriation to the operating budget of the state prison for emergency funding for the remainder of fiscal year 1979 and for compliance with the Laamen v. Helgemoe consent decree. (Granger of Hillsborough Dist. 13 - To Appropriations)

HB 190, relative to the penalty for the illegal taking of wild turkey. (Felch of Rockingham Dist. 11 - To Fish and Game)

CACR 5, Relating To: Recall of Elected Officials. Providing That: Any Elective Officer, Except Judicial Officers, Shall be Subject to Recall by the Voters. (Nims of Cheshire Dist. 15 - To Constitutional Revision)

CACR 6, Relating To: The Right to Bear Arms. Providing That: All Persons Have the Right to Bear Arms in Defense of Self, Family, Property and the State. (Cote of Hillsborough Dist. 28 - To Constitutional Revision)

Rep. Parr moved that the House adjourn.
Adopted.

HOUSE JOURNAL 6

Thursday 8Feb79

The House met at 1:00 p.m.

Prayer was offered by The House
Chaplain, Rev. William L. Quirk.

Let us pray:

O Heavenly Father, we wish to thank You for bringing us here together today. You alone can give us the inspiration to accomplish Your works which bring peace, joy, health and happiness to all.

Help us to place our trust in You and to realize the care and concern You have for us, Your people, that is revealed in Your love for us.

O Loving Father, we seek to grow each day in our vision of the labor You have asked of us. We rely on Your help to bring to completion all that You have begun in us.

Assist us, Our Father in heaven, to always remember the value of time, the success of perseverance, the pleasure of working, the dignity of simplicity.

Make us ever aware of the power of kindness, the influence of example, the obligation of duty and the wisdom of economy.

Give to each one of us the virtue of patience, the improvement of our talents and the joy of creativity. We ask these things be given by Your bounty and goodness. Amen.

Rep. Jones led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Hoar, John Winn, James J. White, Close, Thibault, Jesse Davis, Nighswander, Pucci, Leslie, Lawton, Ralph, Hebert, Dearborn, Wallace, Pepitone and Cotton, the day, illness.

Reps. Allen Wilson, Corser, Raymond Dupont, Paradis, Trachy, Nemzoff-Berman, Spirou, Flynn, Armand Lemire and Clyde Eaton, the day, important business.

Rep. Aeschliman, the day, illness in the family.

INTRODUCTION OF GUESTS

Miss Pamela Shangraw of Nelson, guest of Rep. Daniel Eaton.

Rep. French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 191 through 228, House Resolution numbered 4 and House Concurrent Resolution numbered 3 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, HR AND HCR First, second reading and referral

HB 191, relative to the certification of New Hampshire building inspection officials. (Parolise of Rockingham Dist. 5 - To Commerce and Consumer Affairs)

HB 192, relative to the ownership of pharmacies. (Dickinson of Carroll Dist. 2 - To Commerce and Consumer Affairs)

HB 193, placing a public member on the state board of registration of funeral directors and embalmers. (Cote of Hillsborough Dist. 28 - To Executive Departments and Administration)

HB 194, placing a consumer on the commission of pharmacy and practical chemistry. (Cote of Hillsborough Dist. 28 - To Executive Departments and Administration)

HB 195, placing a consumer on the commission of pharmacy and practical chemistry and providing for that public member's attendance at interstate meetings. (Cote of Hillsborough Dist. 28 - To Executive Departments and Administration)

HB 196, requiring examinations for registered nurses to be held every 4 months. (Ramsey of Strafford Dist. 13 - To Executive Departments and Administration)

HB 197, relative to public utilities issuing stock in return for construction work in progress charges. (Parr of Rockingham Dist. 12; Girolimon of Hillsborough Dist. 30; Pevear of Rockingham Dist. 12; Sen. Preston of Dist. 23 - To Commerce and Consumer Affairs)

HB 198, providing for a preliminary hearing to determine whether materials are harmful to minors or obscene, where educational, religious or governmental institutions are involved. (Skinner of Rockingham Dist. 3A; Eaton of Hillsborough Dist. 1; Stahl of Hillsborough Dist. 17; Taffe of Grafton Dist. 5; Mann of Grafton Dist. 6; Podles of Hillsborough Dist. 25; Flanagan of Rockingham Dist. 6; Pastor of Hillsborough Dist. 19 - To Judiciary)

HB 199, relative to the sale of petroleum by-products by manufacturers or suppliers to retail dealers. (Rice of Merrimack Dist. 20 - To Commerce and Consumer Affairs)

HB 200, authorizing the exchange of a pheasant egg incubator for 3 years with the state of Massachusetts for 1800 pheasants. (LaMott of Grafton Dist. 6 - To Fish and Game)

HB 201, reducing the road toll on motor fuel blends containing alcohol derived from agricultural commodities and forest products. (Rounds of Grafton Dist. 12; Wallin of Hillsborough Dist. 16; Sen. Lamontagne of Dist. 1 - To Ways and Means)

HB 202, allowing a left turn on red light from a one-way street into the proper traffic flow of another one-way street. (Gelinas of Hillsborough Dist. 31 - To Transportation)

HB 203, exempting certain individuals from specific fish and game laws. (Blanchette of Rockingham Dist. 14; Felch of Rockingham Dist. 11; Wojnowski of Rockingham Dist. 14 - To Fish and Game)

HB 204, establishing centralized microfilming for the state and making an appropriation therefor. (French of Belknap

Dist. 1 - To Executive Departments and Administration)

HB 205, extending required mental or nervous condition coverage by health insurance, hospital service corporations and medical service corporations to physicians using hypnosis. (Shepard of Merrimack Dist. 4 - To Commerce and Consumer Affairs)

HB 206, relative to licensing fees for the registration of dogs owned by persons 65 years of age or older. (Benton of Rockingham Dist. 2 - To Municipal and County Government)

HB 207, providing that eye enucleations be performed by trained persons, in addition to physicians and surgeons, under the anatomical gifts act. (French of Belknap Dist. 1 - To Health and Welfare)

HB 208, increasing the homestead exemption. (Podles of Hillsborough Dist. 25 - To Judiciary)

HB 209, relative to compensation for temporary partial disability. (Burkush of Hillsborough Dist. 33 - To Labor, Human Resources and Rehabilitation)

HB 210, relative to reviews of eligibility for compensation. (Burkush of Hillsborough Dist. 33 - To Labor, Human Resources and Rehabilitation)

HB 211, standardizing the colors of emergency lights used on motor vehicles. (McLaughlin of Hillsborough Dist. 16 - To Transportation)

HB 212, requiring the reporting of induced terminations of pregnancy. (Wilson of Rockingham Dist. 2 - To Health and Welfare)

HB 213, concerning transporting private school pupils. (O'Neill of Merrimack Dist. 17 - To Transportation)

HB 214, revising statutes pertaining to health, welfare and public protection. (Bowler of Belknap Dist. 3 - To Public Protection and Veterans' Affairs)

HB 215, relative to acceptance of village district roads by municipalities. (LaMott of Grafton Dist. 6 - To Municipal and County Government)

HB 216, creating the criminal offense of evading pursuit by a law enforcement officer. (Quimby of Rockingham Dist. 4 - To Judiciary)

HB 217, relative to municipal budget law submission forms. (Campbell of Rockingham Dist. 5 - To Municipal and County Government)

HB 218, relative to payment for special detail work by police officers. (Vlack of Rockingham Dist. 9 - To Labor, Human Resources and Rehabilitation)

HB 219, relative to the hunting of game birds. (Belak of Sullivan Dist. 2 - To Fish and Game)

HB 220, relative to bonds required on contracts involving public works. (Myers of Rockingham Dist. 16 - To Public Works)

HB 221, relative to contracts by the department of public works and highways. (Myers of Rockingham Dist. 16 - To Public Works)

HB 222, authorizing the fish and game commission to set the season and bag limits for small game. (Wiswell of Coos Dist. 1 - To Fish and Game)

HB 223, relative to public charges at publicly assisted housing for the elderly. (Wilson of Rockingham Dist. 2 - To Health and Welfare)

HB 224, restricting the horsepower of

motors on boats used on Otter Pond. (Wiggins of Sullivan Dist. 8 - To Resources, Recreation and Development)

HB 225, relative to the authority of Franklin Pierce Law Center to confer degrees. (Wiviott of Merrimack Dist. 16 - To Education)

HB 226, increasing the road toll on motor fuel and fuel other than motor fuel with such proceeds going to a highway maintenance fund. (LaMott of Grafton Dist. 6 - To Ways and Means)

HB 227, relative to the salaries of district court justices. (Woodman of Rockingham Dist. 12 - To Judiciary)

HB 228, relative to highway route 38 in Salem and Pelham. (Gage of Rockingham Dist. 5; Smith of Rockingham Dist. 5 - To Public Works)

HR 4, providing daily newspapers to House members on session days. (Daniell of Merrimack Dist. 13 - To Legislative Administration)

HCR 3, requiring action from both houses of the general court on joint rules on or before March 1, 1979. (Hall of Hillsborough Dist. 17 - To Rules)

COMMITTEE ASSIGNMENT

Rep. David Pine, Constitutional Revision.

COMMITTEE REPORTS

(Consent Calendar)

Rep. French moved that the House adopt the committee recommendation of Inexpedient to Legislate on HR's 42, 48 and 49, and further moved that the House adopt the committee recommendation of Ought to Pass on HR's 11, 12, 43 and 73, and further moved that the House adopt the committee recommendation of Ought to Pass with Amendment on HB 40, and under the rules, HR 73 be referred to Appropriations.

HR 40 was removed from the Consent Calendar at the request of Rep. Felch. Adopted.

HR 42, relative to the taking of fisher and bobcat. Inexpedient to Legislate. This bill is better covered by HR 43. Vote was 20-0. Unanimous vote. Rep. Franklin G. Wolfson for Fish and Game.

HB 48, prohibiting the taking of deer on Sundays during the deer season. Inexpedient to Legislate.

Very little testimony to show need for this bill. Too restrictive to the working man. Vote was 19-1. Rep. Franklin G. Wolfson for Fish and Game.

HB 49, providing that only buck deer can be taken during deer hunting season. Inexpedient to Legislate.

Committee felt this would be detrimental to the deer herd. Committee vote 19-7. Rep. Franklin G. Wolfson for Fish and Game.

HB 11, repealing the bounty on porcupines and the payment from the state treasury. Ought to Pass.

This bill removes an obsolete law off the books. Committee vote 19-0. Rep. John H. Stimmell for Fish and Game.

HB 12, repealing the provisions relative to unlicensed dogs killing game being killed by conservation officers. Ought to Pass.

Housekeeping bill. Repeals RSA 207:11. Committee vote was 18-1. Rep. Franklin G. Wolfson for Fish and Game.

HB 43, relative to the opening and closing of seasons on fur-bearing animals. Ought to Pass.

This bill gives the Fish and Game Department the right to open and close season for fur-bearing animals. Vote was 18-1. Rep. Franklin G. Wolfson for Fish and Game.

HR 73, relative to the state guarantee limitation on the aggregate sum for pollution control projects. Ought to Pass.

Increases the state limitation on the aggregate sum for pollution control projects from \$160,000,000 to \$190,000,000. Committee vote 14-0. Rep. James V. Bibbo, Jr. for Public Works.

Referred to Appropriations.

COMMITTEE REPORTS (Regular Calendar)

CACR 2, relating to the taxing power of the state. Providing that the legislature's power to provide for assessment of classes of real estate based on current use be abolished. Inexpedient to Legislate.

Considerable opposition to this resolution was presented at the hearing. Limited support was based upon criticism of an implementing statute. No evidence was presented to justify reducing power of the legislature by CACR 2. Vote was unanimous. Rep. Joseph M. Eaton for Constitutional Revision.

Rep. Joseph Eaton explained the committee report.

Mr. Speaker:

I rise in support of the committee, and in opposition to CACR 2. This resolution is a good example of a bad amendment. The Article that would change, is only an enabling act which permits the Legislature to take action. The real question was whether a statute implementing Article 5-b should be repealed.

The reason I'm speaking today is because at the start of each session our committee finds it advisable to explain why Articles and statutes are not interchangeable. State government starts with the Constitution which belongs to all of the people. New Hampshire voters have never surrendered or shared the power to amend. All that this Legislature decides is which questions to put on the ballot, a reasonable number of questions. Now the broad and flexible revisions in the Constitution require legislative statutes for implementation. The Constitution establishes policies. The Legislature spells out the rules. Some Articles have lasted nearly 200 years. As conditions change, the General Court brought implementing statutes up to date to execute the original plan. The system does not run in reverse, the revision of statutes by

Constitutional amendments does not work. One state had to scrap a Constitution which contained 300 pages of statutory type law, the Legislature in another state put thirty-two referendum questions on one ballot and they got a message from the voters, loud and clear.

Up to now, New Hampshire has a good record, once we went 50 years without any Constitutional amendments, now any CACR requires a 60 per cent vote of all the members, followed by approval of two-thirds of the voters, and it may take 18 months to amend, or it may take forever, like the correction of the \$700 Legislative salary. Enactment of statutes by majority vote is a Legislative function.

Half a million voters could not possibly assemble and debate over 1500 bills.

On the other hand we cannot keep thousands of laws up-to-date by Constitutional Revisions.

I think we should not approve this CACR or any other Resolution which would reverse a successful system.

What I have said today is not a criticism of the sponsor. I am sure the member from Manchester has great respect for our Constitution, but there is just one American Institution even older than the Constitution, and that is representative government, after all the original document was written by elected representatives of the people.

Now, in 1979 we are equipped to manufacture our principal product which is Statutes. We have added the Electronic Roll Call, the Legislative Office Building and a competent staff of researchers. The Supreme Court keeps us within the State Constitution, the voters review our work by electing a new Legislature every two years.

I speak today in opposition to this resolution and to every other resolution which would reduce the power of a Legislature to make laws.

There is no good substitute for representative government and this resolution is not even a poor substitute.

Rep. Chase moved that Rep. Joseph Eaton's remarks be printed in the Journal. Adopted.

Rep. Joseph Cote moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Tucker, Marilyn Campbell and M. Arnold Wright spoke against the motion.

Motion lost.

Question being on the committee report. Resolution adopted.

CACR 3, relating to state mandated expenditures. Providing that no public law requiring additional expenditures by a municipality shall take effect until the municipality approves the expenditure by referendum. Inexpedient to Legislate.

The Committee agreed with the intent of this resolution. The Committee believes a statute submitted for action this session will accomplish the same purpose more quickly and more effectively. Vote was unanimous. Rep. Stuart V. Nims for

Constitutional Revision.

Resolution adopted.

HR 16, relative to privileged communications between religious leaders and penitents. Ought to Pass.

The intent of the bill is to protect the privilege of the confessional. One hearing was held - no one appeared against the bill. The clergy of the state were all in favor. A subcommittee was appointed and its report was favorable. Vote 11-3. Rep. Harold V. Buckman for Constitutional Revision.

Ordered to third reading.

HB 27, guaranteeing freedom of speech, right of criticism and disclosure for all state employees. Ought to Pass with Amendment.

House Bill 27 spells out freedom of speech for state employees. The Committee has broadened the bill to include municipal and county employees and has added a provision to discourage frivolous suits. After much debate, the Committee approved this bill unanimously. Rep. Gail C. Morrison for Constitutional Revision.

Rep. Morrison moved that HB 27 be recommitted to the Committee on Constitutional Revision.

Adopted.

HB 41, relating to dogs at large and providing a penalty against the owner and further providing for local option if a municipality desires to be exempted. Ought to Pass with Amendment.

The Committee voted to approve the amended bill as a compromise between an important statewide problem and the rights of the towns and cities to govern themselves. Vote was 7-5. Rep. Leigh D. Bosse for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the state dog control law and providing for local option as to the adoption thereof.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Referendum for Adoption. Amend RSA 466:30-b (supp) as inserted by 1977, 379:1 by striking out said section and inserting in place thereof the following:

466:30-b Referendum for Adoption.

(a) The secretary of state shall cause to be placed on ballots prepared for each city and town for the 1980 biennial election the following question: "Shall we adopt the provisions of RSA 466:30-a which makes it unlawful for an owner of any dog licensed or unlicensed to allow said dog to run at

large, except when accompanied by the owner or custodian, and when used for hunting, herding, supervised by competition and exhibition or training for such?"

(b) Upon the ballot containing the question shall be printed the word "Yes" with a square near it at the right hand of the question; and immediately below the word "Yes" shall be printed the word "No" with a square near it at the right hand of the question. The voter desiring to vote upon the question shall make a cross in the square of his choice. If no cross is made in a square beside the question the ballot shall not be counted on the question.

(c) Upon approval of the question by a majority of those voting on the question, the provisions of RSA 466:30-a shall be applicable within the legal boundaries of said city or town.

II. Any town not adopting the provisions of RSA 466:30-a pursuant to paragraph I, but later wishing to do so, may have the question placed on the warrant for a town meeting at which town officers are elected in the manner provided in RSA 39:3. Such question shall be presented for voter approval in the following manner:

(a) For a town which has an official ballot for the election of town officers, the officer who prepares the ballot shall place the question on such official ballot with the wording and in the form provided for in paragraph I.

(b) For a town which does not have an official ballot for the election of town officers, the clerk shall prepare a ballot with the wording and in the form provided for in paragraph I.

(c) Upon approval of the question by a majority of those voting on the question, the provisions of RSA 466:30-a shall become applicable within the legal boundaries of said town.

III. (a) Any city not adopting the provisions of RSA 466:30-a pursuant to paragraph I, but later wishing to do so, may have the question placed on the official ballot for any regular municipal election for the election of city officers upon a vote of the city council or upon submission of a petition signed by 5 percent of the registered voters of the city to the city council. The question shall be placed on the official ballot by the city clerk with the wording and in the form provided for in paragraph I.

(b) Upon approval of the question by a majority of those voting on the question, the provisions of RSA 466:30-a shall become applicable within the legal boundaries of said city.

2 Effect on Prior Adoption. Section 1 of this act shall not apply to those cities and towns which have previously adopted RSA 466:30-a.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Scamman requested an explanation of the committee report.

Rep. Bosse explained the committee report.

Rep. Carswell spoke to the committee report.

Ordered to third reading.

HB 63, relative to the control of the Strafford county jail. Inexpedient to Legislate.

Sponsors requested that HB 63 be considered inexpedient to legislate for it is identical to a previous bill they sponsored in the 1977 session and it is felt this bill should be reconsidered at the county level. Unanimous vote. Rep. Ezra B. Mann, II for Municipal and County Government.

Resolution adopted.

HB 75, requiring towns to maintain private roads for which the town has provided maintenance. Inexpedient to Legislate.

Majority of Committee felt (1) it may violate an existing statute on maintaining private roads and (?) the Committee did not want to mandate a 5-year retroactive maintenance policy. Vote 11-4. Rep. Robert C. Callahan for Municipal and County Government.

Rep. Mann explained the committee report. Resolution adopted.

HB 84, relative to increasing the salary of police commissioners of Wolfeboro. Ought to Pass.

Requested by the town and has to go to referendum. Unanimous vote. Rep. Ezra B. Mann, II for Municipal and County Government.

Ordered to third reading.

HB 82, relative to certain free licenses for all totally and permanently disabled veterans who were disabled while on active duty from a service connected injury. Inexpedient to Legislate.

This bill is almost identical to SB 170 of the 1977 session, a bill unanimously reported "inexpedient" by this Committee. In the instant bill, once again the Committee reports the bill as "inexpedient" (9-0), and is determined that those who became "totally and permanently disabled" from wounds received in combat should certainly deserve recognition and benefits beyond those who became totally and permanently disabled while serving in the United States in peacetime service. Only two of 18 veterans organizations appeared in support of the bill; the largest veterans organization, the American Legion was opposed to the concept of equality between wartime combat incurred disability and peacetime incurred disability. The Fish and Game Department was strongly in opposition to any further granting of free hunting and fishing licenses, to an undetermined number of persons, for an indefinite period far into the future. Additionally, the bill would deny municipalities of the town registration fee on motor vehicles for years to come. Rep. Maurice J. Levesque for Public Protection and Veterans' Affairs.

Rep. Dennis Ramsev spoke against the committee report.

Resolution adopted.

HB 38, relative to rights-of-way. Ought to Pass with Amendment.

This bill only addresses the problem of rights-of-way between private parties and does not concern itself with eminent domain. Committee vote was 9-8. Rep. Mabel L. Richardson for Public Works.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following.

1 New Section. Amend RSA 477 by inserting after section 26 the following new section:

477:26-a Rights-of-way. No right-of-way of indefinite term granted by deed or shown on a plat recorded in the appropriate registry of deeds shall be extinguished, destroyed, moved or blocked without the written approval of the owner of record of such right-of-way. Such deed or plat must state the purpose for which the right-of-way is intended. If a right-of-way is moved, the new right-of-way shall be in a condition equivalent to that being moved and shall be recorded in the appropriate registry of deeds. This section shall not apply to eminent domain proceedings pursuant to RSA 498-A. Any person violating this section shall be subject to a civil penalty not to exceed \$10,000 in addition to any damage or other relief granted to the prevailing party.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 17, raising the minimum charge for meals in a first-class restaurant with a liquor license. Inexpedient to Legislate.

This bill's content will be reviewed under the Sunset Act. Vote was 14-1. Rep. James A. Humphrey for Regulated Revenues.

Resolution adopted.

HB 57, relating to the definition of tobacco products. Inexpedient to Legislate. This would make New Hampshire less competitive with surrounding states that have no tax on other than cigarettes. Also, the revenue generated would not offset the cost of administration. Vote was 16-0. Rep. Jean T. White for Regulated Revenues.

Rep. Joseph Cote moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Ward spoke against the motion and yielded to questions.

Motion lost.

Question being on the committee report. Resolution adopted.

HB 40, prohibiting the promotion and exhibition of fighting animals. Ought to

Pass with Amendment.

The Committee felt that this bill with its minor amendment would provide an effective deterrent to a growing problem in New Hampshire. Vote was 14-1. Rep. Leigh D. Bosse for Judiciary.

Amendment

Amend RSA 644:8-a, III as inserted by section one of the bill by striking out said paragraph and inserting in place thereof the following:

III. All animals so kept or trained by a person charged with violating the provision of paragraph I shall be seized by the arresting officer. Upon said person's conviction, said animals may, at the discretion of the court, be destroyed in a humane manner by a licensed veterinarian. The costs, if any, incurred in boarding the animals, pending disposition of the case, and in disposing of the animals, upon a conviction of said person for violating paragraph I, shall be borne by the person so convicted.

Amendment adopted.

Rep. Felch offered an amendment:

Amendment

Amend RSA 644:8-a, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. No person shall keep or train any bird, dog, or other animal, with the intent that it shall be engaged or used in an exhibition of fighting, or shall establish or promote an exhibition of the fighting thereof. Whoever violates the provisions of this paragraph shall be guilty of a misdemeanor.

The Assistant Clerk read the amendment.

Rep. Felch spoke to his amendment and yielded to questions.

Reps. Pappas, Sabbow and Bosse spoke against the amendment.

Amendment lost.

Ordered to third reading.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, February 13 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 11, repealing the bounty on porcupines and the payment from the state treasury.

HB 12, repealing the provisions relative to unlicensed dogs killing game being killed

by conservation officers.

HB 43, relative to the opening and closing of seasons on fur-bearing animals.

HB 40, prohibiting the promotion and exhibition of fighting animals.

HB 16, relative to privileged communications between religious leaders and penitents.

HB 41, relative to the state dog control law and providing for local option as to the adoption thereof.

HB 84, relative to increasing the salary of police commissioners of Wolfeboro.

HB 38, relative to rights-of-way.

UNANIMOUS CONSENT

Rep. French addressed the House under Unanimous Consent.

The Subcommittee on Resolutions and Screening having approved their admittance, Reps. Moore, Galloway and Miller offered the following resolutions:

RESOLUTIONS

ON THE DEATH OF ALBERT F. CHICKERING

WHEREAS, we have learned with sorrow of the death of Albert F. Chickering, a former Representative from Walpole, and

WHEREAS, Albert Chickering served diligently as a member of the House of Representatives for one term, and

WHEREAS, he served his community faithfully and with efficiency, therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend their sympathy to his family, and be it further

RESOLVED, that a copy of these resolutions be transmitted to his family.

RESOLUTIONS

ON THE DEATH OF LAWRY W. CHURCHILL

WHEREAS, we have learned with sorrow of the death of Lawry W. Churchill, a former Representative from Walpole, and

WHEREAS, Lawry Churchill served diligently as a member of the House of Representatives for three terms, and

WHEREAS, he served his community faithfully and with efficiency, therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend their sympathy to his family, and be it further

RESOLVED, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. French moved that the House stand in recess from time to time for the sole purpose of introducing bills and when the House adjourns, it be to meet Tuesday, February 13 at 1:00 p.m.

Adopted.

RECESS

Rep. French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 229 through 261 and CACR 7 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS AND CACR First, second reading and referral

HB 229, requiring commencement of construction of dog and horse racing facilities within 2 years after local option approval of the license therefor. (Skinner of Rockingham Dist. 3A; Morrison of Hillsborough Dist. 14 - To Regulated Revenues)

HB 230, relative to exempting certain facilities from nursing home licensing requirements. (Skinner of Rockingham Dist. 3A - To Health and Welfare)

HB 231, relative to the reporting of political contributions and expenditures of candidates for governor's councilor. (Randall of Belknap Dist. 3 - To Statutory Revision)

HB 232, relative to the option of electing members of the board of adjustment in towns. (Dunfey of Rockingham Dist. 12 - To Municipal and County Government)

HB 233, providing for the regulation of water treatment plant operators. (Heald of Hillsborough Dist. 5 - To Commerce and Consumer Affairs)

HB 234, legalizing the 1978 town meeting of Hudson. (Arris of Hillsborough Dist. 14 - To Municipal and County Government)

HB 235, relative to rational development of new institutional health services. (Blanchette of Rockingham Dist. 14; Copenhaver of Grafton Dist. 13; Nighswander of Belknap Dist. 2; Murray of Hills. Dist. 3; Willey of Coos Dist. 3; Wilson of Rockingham Dist. 2; Dostilio of Cheshire Dist. 13 - To Health and Welfare)

HB 236, relative to landlord and tenant relations. (Blanchette of Rockingham Dist. 14 - To Commerce and Consumer Affairs)

HB 237, relative to the reporting of adult abuse. (Townsend of Sullivan Dist. 1; Seely of Grafton Dist. 10 - To Judiciary)

HB 238, amending certain election laws. (Cutting of Sullivan Dist. 4 - To Statutory Revision)

HB 239, providing for a special permit for 3-axle vehicle with an auxiliary axle to haul a gross weight of 80,000 pounds of forest products. (D'Amante of Sullivan Dist. 5; McIver of Grafton Dist. 11 - To Transportation)

HB 240, relative to the licensing laws for hospitals and other facilities. (Nardi of Hillsborough Dist. 27 - To Health and Welfare)

HB 241, relative to the ordering of wine from the liquor commission. (Riley of Cheshire Dist. 10 - To Regulated Revenues)

HB 242, relative to equalizing the discounts to all liquor licensees. (Riley of Cheshire Dist. 10 - To Regulated Revenues)

HB 243, reorganizing the administrative committee of the district and municipal courts to a district court commission. (Ayres of Merrimack Dist. 8 - To

Constitutional Revision)

HB 244, permitting changes in party affiliation to be registered with a town or city clerk. (Stokes of Merrimack Dist. 18; DeNafio of Strafford Dist. 19 - To Statutory Revision)

HB 245, relative to commissions on pari-mutuel wagering pools, and taxes thereon. (Felch of Rockingham Dist. 11; Winn, C. of Hillsborough Dist. 19; Blake of Rockingham Dist. 8 - To Regulated Revenues)

HB 246, relative to disqualification of planning board members. (Bover of Hillsborough Dist. 20 - To Municipal and County Government)

HB 247, increasing the zoning powers of cities and towns. (Boyer of Hillsborough Dist. 20 - To Municipal and County Government)

HB 248, repealing the provisions of the RSA relative to the director of motor vehicles returning a license when a person's license suspension expires or a person is found not guilty of a D.W.I. violation. (Mansfield of Belknap Dist. 2 - To Transportation)

HB 249, adding police chiefs to the list of town officials eligible for payment of expenses for attending certain meetings. (Mansfield of Belknap Dist. 2 - To Municipal and County Government)

HB 250, relative to collection of support payments by probation officers. (Rosse of Hillsborough Dist. 1; Bover of Hillsborough Dist. 20 - To Judiciary)

HB 251, authorizing arbitration in the resolution of public employee labor relations' disputes. (Burkush of Hillsborough Dist. 33; Zaidel of Hillsborough Dist. 29 - To Labor, Human Resources and Rehabilitation)

HB 252, relative to motor vehicle lighting equipment requirements. (Mansfield of Belknap Dist. 2 - To Transportation)

HB 253, relative to requiring executive departments to keep organization charts and manuals. (Nims of Cheshire Dist. 15 - To Executive Departments and Administration)

HB 254, prohibiting the "docking" of the tail of a horse. (Johnson of Cheshire Dist. 3 - To Environment and Agriculture)

HB 255, relative to the police powers of the department of resources and economic development (Dickinson of Carroll Dist. 2 - To Public Protection and Veterans' Affairs)

HB 256, requiring a mandatory sentence of 10 days for a conviction of operating a motor vehicle under the influence of intoxicating liquor or any controlled drug. (Granger of Hillsborough Dist. 13; Ramsey of Strafford Dist. 13 - To Judiciary)

HB 257, relative to suspension or revocation of license to operate a motor vehicle when operator exceeds speed limit by 20 miles per hour or more. (Granger of Hillsborough Dist. 13 - To Transportation)

HB 258, relative to possession of an open container of an alcoholic beverage while operating a motor vehicle. (Granger of Hillsborough Dist. 13 - To Transportation)

HB 259, relative to revocation or suspension of motor vehicle license when offense results in personal injury or property damage and increasing the discretionary revocation or suspension period for all offenses. (Granger of

Hillsborough 13 - To Transportation)

HB 260, relative to notification of suspension or revocation of a license to operate a motor vehicle. (Granger of Hillsborough Dist. 13 - To Transportation)

HB 261, relative to restructuring the public utilities commission and making an appropriation therefor. (Lessard of Strafford Dist. 20; Smith of Hillsborough Dist. 34; Hall of Hillsborough Dist. 12; Burchell of Strafford Dist. 12; Proctor of Cheshire Dist. 14; Smith of Hillsborough Dist. 14; Morgan of Hillsborough Dist. 3; Ramsev of Hillsborough Dist. 33; Rock of Dist. 12; Splaine of Dist. 24; Saggiotes of Dist. 8 - To Executive Departments and Administration)

CACR 7, Relating To: Compensation for Legislators. Providing That: Presiding Officers of Both Houses Receive \$2,500 Per Year and All Other Members Receive \$2,000 Per Year. (Nims of Cheshire Dist. 15 - To Constitutional Revision)

Rep. French moved that the House adjourn.
Adopted.

HOUSE JOURNAL 7

Tuesday 13Feb79

The House met at 1:00 p.m.

Prayer was offered by The House
Chaplain, Rev. William L. Quirk.

Let us Pray:

We give You thanks, Almighty Father in
heaven, for all the gifts You have given us.
We thank You for the joy and zest for
living, for the love and understanding which
we receive and are so able to give to others.
We thank You for all the material
benefits with which You have given peace and
joy to our lives, and which You have meant
us to share with one another.

As we gather together in Your name, make
us a community of oneness to do Your will
and the expressed sign of Your oneness with
us.

Today and every day we offer You this
thanks, Almighty Father, so that You may
continue to bless us and sanctify us by Your
presence. Amen.

Rep. Joos led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Hoar, John Winn, Hebert, James J.
White, Close, Pepitone, Emile Boisvert,
Rice, Nighswander, Cotton, Lawton, Crotty
and Pucci, the day, illness.

Reps. Aldrich, Bavbitt, Raymond Dupont,
Allgever, Belak, Wood, Newman, McManus,
Roland Lemire, Dolbec, Edward Smith, Greene,
Levesque, Aeschliman, Avles, Bover and James
Herchek, the day, important business.

Rep. Head, the day, death in the family.

INTRODUCTION OF GUESTS

Mrs. William Riley, wife of Rep. William
Riley; Dr. Richard Neitz of Talmadge, Ohio
and Robert Hoitt, guests of Rep. Record.

SIX-DAY EXTENTIONS GRANTED

HB 23, to establish a public defender
program in Strafford County. (Judiciary)

HB 2, relative to proceedings in certain
sexual assault cases. (Judiciary)

HB 3, relative to the Connecticut River
Atlantic Salmon Compact. (State-Federal
Relations)

HB 28, relative to actions to recover
real estate commissions. (Commerce and
Consumers Affairs)

HB 79, relative to real estate listing
agreements. (Commerce and Consumers Affairs)

HB 60, to increase the discounts allowed
on the prices of liquor and wine sold to
hotels and clubs by the liquor commission.
(Regulated Revenues)

HB 1, relating to the nature of
supervisory unions. (Education)

COMMUNICATION

Pursuant to the authority of the

statutory references, as mentioned, I have
made the following appointments:

RSA 170-D:1 Commission on Children and
Youth; Rep. Judith Stahl.

RSA 541-R:3 Board of Claims; Rep.
Richardson D. Benton.

Chapter 246, Laws of 1975 Committee to
Investigate Alternatives to the Confinement
of Children at the Youth Development Center
and the New Hampshire Hospital; Reps. James
A. Hardy, Milton A. Cate and Peter P. Parady.
RSA 19:5 Interstate Cooperation; Reps.
Marshall French, Greta M. Ainley and George
B. Roberts, Jr.

Capital Budget Overview Committee; Reps.
Paul I. LaMott, Chairman, Ruth L. Griffin,
Walter N. Palmer, Greta M. Ainley, James J.
White, Wilfrid A. Boisvert, James V. Bibbo
and George D. Keller.

George B. Roberts, Jr.
Speaker

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the House adopt
the committee recommendations of Ought to
Pass on HB's 9, 110 and 119, and further
moved that the House adopt the committee
recommendations of Inexpedient to Legislate
on HB's 53 and 103, and under the rules HB
110 be referred to Appropriations.

HB 53 was removed from the Consent
Calendar at the request of Rep. Dickinson.
Adopted.

HB 9, relative to the New Hampshire
trustees of the Eastern States Exposition.
Ought to Pass.

Advice and guidance from the trustees
should assist the Commissioner of
Agriculture in upgrading and improving
efforts to make the New Hampshire
building the top attraction on the
Avenue of States. No opposition in
hearing or Committee. Committee vote
was unanimous. Rep. Myrtle B. Rogers
for Environment and Agriculture.

HB 110, making a supplemental
appropriation to the operating budget of the
department of agriculture for in-state
travel expenses by heavy test truck
inspectors and for market bulletin
publishing costs. Ought to Pass.

This is basically an in and out item.
Subscription cost of the market bulletin
will be increased and this increase is
already supported by the subscribers.
Increased revenues through inspection
fees will offset the travel expense.
Impact of market bulletin will be raised
to cover costs of the subscription
rate. No one appeared in opposition.
Committee vote was unanimous. Rep.
Myrtle B. Rogers for Environment and
Agriculture.
Referred to Appropriations.

HB 119, regarding administration of
oaths in the national guard. Ought to Pass.
At the present time only a commissioned
officer of the New Hampshire National
Guard may administer the oath of
enlistment to enlistees or re-enlistees;
the non-availability of an officer to

administer the oath has in some cases resulted in the loss of an enlistment. This bill adds two categories of persons who may administer oaths of enlistment; New Hampshire National Guard Warrant Officers (specialists in administration, business, supply, etc.) and persons empowered by the State of New Hampshire to administer oaths, to include notaries public and justices of the peace. Committee vote was unanimous. Rep. Richard E. Dolbec for Public Protection and Veterans' Affairs.

HB 103, relative to sale of beer on Sundays at golf courses. Inexpedient to Legislate.

This bill is no longer necessary. A change in the regulation of the Liquor Commission concerning the Sunday sale of beer is forthcoming. Vote was 16-0. Rep. Kathleen Ward for Regulated Revenues.

COMMITTEE REPORTS (Regular Calendar)

HB 36, relative to shelter required to be made available to horses. Ought to Pass. This bill mandates that an outdoor horse shelter must have a roof. Committee vote was 18-2. Rep. John W. Stimmell for Fish and Game.

Ordered to third reading.

HB 71, prohibiting the firing of a firearm from or across a public highway. Ought to Pass with Amendment.

Another step in the right direction to reduce hunting accidents; bill prohibits the discharge of a firearm while hunting while on a roadway, to include the right-of-way, or firing across a roadway. Vote 10-0. Rep. Richard E. Dolbec for Public Protection and Veterans' Affairs.

Rep. Benton moved that HB 71 be recommitted to the Committee on Public Protection and Veterans' Affairs, and spoke to his motion.
Adopted.

HB 66, exempting the dividends of New Hampshire based companies from the interest and dividends tax. Inexpedient to Legislate. The bill was vaguely drawn and there was no way to estimate the impact on revenues. The Committee vote was unanimous, 16-0. Rep. Marjorie Y. Peters for Ways and Means.

Resolution adopted.

HB 53, relative to the appointment of liquor commission employees. Inexpedient to Legislate.

The courts have already ruled that residency cannot be considered a barrier to employment. Committee vote was 16-0. Rep. Kathleen Ward for Regulated Revenues.

Rep. Dickinson requested an explanation of the committee report.
Rep. Ward explained the committee report

and yielded to questions.

Rep. Tucker spoke to the committee report and yielded to questions.

Rep. Ward spoke in favor of the committee report.

Rep. Dickinson moved that HB 53 be laid upon the table.

Motion lost.

Question being on the committee report.

Resolution adopted.

WAYS AND MEANS REPORT

This is the first report to the 1979 General Court by the Ways and Means Committee in accordance with Rule 32(w).

GENERAL FUND - UNRESTRICTED REVENUE
COMPARATIVE STATEMENT OF REVENUE RECEIPTS

	FISCAL YEAR			
	1978		1979	
	TOTAL RECEIVED	RECEIVED DATE 01/31/78	RECEIVED DATE 01/31/79	ACT INC
BEER	4,681,002.00	2,669,569.41	2,870,933.44	7.543
BOARD & CARE	8,562,399.53	4,646,765.69	4,764,345.47	2.530
BUSINESS PROFITS TAX	52,453,231.59	22,263,340.43	29,996,169.92	34.733
ESTATE & LEGACY TAXES	6,914,386.15	3,814,703.43	4,001,056.51	4.885
INSURANCE	10,761,314.26	338,874.36	345,992.29	2.100
LIQUOR	34,032,257.00	21,491,734.00	24,375,000.00(E)	13.416
MEALS & ROOMS TAX	15,386,639.00	8,296,010.00	9,500,866.00	14.523
OTHER	16,617,328.45	8,277,101.97	10,195,813.30	23.181
PARKS INCOME	3,480,659.00	2,064,165.88	1,854,259.03	10.169-
GREYHOUND RACING	8,745,923.00	4,645,878.62	4,202,004.26	9.554-
HARNESS RACING	2,234,501.55	1,112,549.80	814,919.41	26.752-
THOROUGHbred RACING	4,858,397.72	4,858,259.72	4,843,467.80	.304-
TELEPHONE	6,540,836.02	6,544,408.73	6,959,400.05	6.341
TOBACCO	26,807,244.00	15,864,187.00	15,615,315.00	1.569-
UTILITIES	2,029,649.18	.00	.00	.000
TOTAL	204,105,768.45	106,887,558.04	120,339,542.48	12.585

(E) Amounts for the months of October, November, December and January are estimated.

Rep. McLane explained the report and yielded to questions.
The report was accepted.

Rep. French moved that the House adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 15 at 1:00 p.m.
 Adopted.

LATE SESSION

Third reading and final passage

HR 9, relative to the New Hampshire trustees of the Eastern States Exposition.

HB 119, regarding administration of oaths in the national guard.

HB 36, relative to shelter required to be made available to horses.

Rep. French moved that the House stand in recess from time to time for the sole purpose of introducing bills and enrolling reports and when the House adjourns, it be to meet Thursday, February 15 at 1:00 p.m.
 Adopted.

RECESS

SENATE MESSAGE
CONCURRENCE

HB 179, legalizing the special meeting of the Governor Wentworth regional school district and granting authority for the organizational meeting of the Moultonborough school district.

ENROLLED BILLS REPORT

HB 179, legalizing the special meeting of the Governor Wentworth regional school district and granting authority for the organizational meeting of the Moultonborough school district.

Sen. Laurier Lamontagne
 For The Committee

Rep. French moved that the House adjourn.
 Adopted.

HOUSE JOURNAL 8

Thursday 15Feb79

The House met at 1:00 p.m.

Prayer was offered by The House Chaplain, Rev. William L. Quirk.

Let us Pray:

God, our Father, may we love You in all things and above all things. May we reach the joy You have prepared for us which surpasses all understanding. Help us to seek and reach the values that will bring us lasting joy in this changing world.

Almighty and ever loving Father, Your care extends beyond the boundaries of race and nation. May any barriers that separate us be lifted by the care of Your outstretched hand.

Give us, Your people, the joy of hearing Your word in everything that we do. May Your presence be with us as we try to carry out Your work which we have been called to do.

May we ask You to accept our offering of our time and talent as a fitting sign of our praise and honor to You. May this holy exchange in our lives be a thanksgiving for the gifts we have received.

May every prayer and work of ours always begin from You and by You be very happily ended. Amen.

Rep. Parr led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Bordeau, Cotton, Crott, Hebert, Hoar, Jackson, Nighswander, Pepitone, Pine, Pucci, Ralph, Record, Sweeney and John Winn, the day, illness.

Reps. Aldrich, Belak, Cahill, Milton Cate, Dolbec, Dupont, Gray, James Herchek, Levesque, Lynch, Paire, Plomaritis, Kenneth Smith, Allen Wilson and Roger Wood, the day, important business.

Rep. Rounds, the day, death in the family.

Rep. French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 267 through 289, HBI 2003, Concurrent Resolutions Proposing Constitutional Amendments numbered 8 and 9 and House Concurrent Resolutions numbered 4 and 5 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, HBI, CACRs AND HCRs

First, second reading and referral

HB 262, relating to fluoride use referenda. (Granger of Hillsborough Dist.

13; Smith of Merrimack Dist. 71; Paradis of Hillsborough Dist. 8; Hunt of Coos Dist. 2; Murray of Hillsborough Dist. 3 - To Municipal and County Government)

HB 263, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 19 years. (Van Loan of Hillsborough Dist. 9; Head of Hillsborough Dist. 10; Taffe of Grafton Dist. 5; Kaklamanos of Hillsborough Dist. 21; Maglaras of Strafford Dist. 17; Ramsey of Strafford Dist. 13; Howard of Carroll Dist. 1; Keefe of Hillsborough Dist. 23; Beard of Belknap Dist. 5; Nadeau of Strafford Dist. 10; Peters of Hillsborough Dist. 9; Flanagan of Rockingham Dist. 6; Meader of Strafford Dist. 14; Campbell of Sullivan Dist. 6; Sen. Allen of Dist. 7 - To Regulated Revenues)

HB 264, relative to the creation of valid contracts between husband and wife. (Dickinson of Carroll Dist. 2; Gagnon of Hillsborough Dist. 13 - To Judiciary)

HB 265, establishing a department of animal rights and welfare and making an appropriation therefor. (Sabbow of Belknap Dist. 6 - To Executive Departments and Administration)

HB 266, authorizing the water supply and pollution control commission to implement the provisions of RSA 146-A relative to oil spillage; establishing the New Hampshire oil pollution control fund; and making an appropriation therefor. (LaMott of Grafton Dist. 6 - To Resources, Recreation and Development)

HB 267, requiring permission before connecting a self-dialing telephone alarm system to a telephone. (Callahan of Cheshire Dist. 2 - To Science and Technology)

HB 268, to require motor vehicles carrying property for hire to submit competitive bids when they contract with state departments. (LaMott of Grafton Dist. 6 - To Appropriations)

HB 269, relative to giving police the authority to enter any town which is part of a centralized dispatch service when on assignment from such service. (Callahan of Cheshire Dist. 2 - To Public Protection and Veterans' Affairs)

HB 270, giving municipalities the option to designate certain areas within their jurisdiction as critical and to permit development therein when in accordance with protective standards. (Dickinson of Carroll Dist. 2; Chambers of Grafton Dist. 13; Gagnon of Hillsborough Dist. 13; Aldrich of Grafton Dist. 14 - To Environment and Agriculture)

HB 271, authorizing the New Hampshire society for the prevention of cruelty of animals to hold property in an amount not to exceed \$500,000. (Scamman of Rockingham Dist. 15 - To Statutory Revision)

HB 272, relative to the transfer of prison guards at county jails and houses of correction from group I to group II of the New Hampshire retirement system. (Oleson of Coos Dist. 5; Wiswell of Coos Dist. 1 - To Executive Departments and Administration)

HB 273, relative to administrative procedures. (Farnham of Strafford Dist. 18; Roberts of Belknap Dist. 4; French of Belknap Dist. 1; Woodman of Rockingham Dist. 12; Vrakatis of Cheshire Dist. 12 - To Executive Departments and Administration)

HB 274, providing an omnibus bill for revisions to the statutes pertaining to transportation, motor vehicles and boating laws as requested by the department of safety, including establishing a medical advisory board within the division of motor vehicles and making an appropriation therefor. (Smith of Carroll Dist. 3 - To Transportation)

HB 275, amending the business profits tax so as to allow a deduction for foreign taxes withheld on dividends. (Tucker of Sullivan Dist. 4 - To Ways and Means)

HB 276, relative to health screening for all members of the general court and making an appropriation therefor. (Boisvert of Hillsborough Dist. 22 - To Health and Welfare)

HB 277, relative to the relationship between nonprofit health service corporations and health care service providers. (Pucci of Rockingham Dist. 5; Burns of Coos Dist. 4; Hynes of Hillsborough Dist. 25; Logan of Grafton Dist. 14; Baker of Hillsborough Dist. 14; Plomaritis of Hillsborough Dist. 15 - To Health and Welfare)

HB 278, limiting out-of-state travel expenses of legislators and their attaches. (Daniell of Merrimack Dist. 13 - To Appropriations)

HB 279, providing for the disposal of personalty from state agency storage rooms. (Wiviott of Merrimack Dist. 16 - To Statutory Revision)

HB 280, exempting moderators from the provisions of RSA 59:36-a. (Boisvert of Hillsborough Dist. 22; J. Gagnon of Hillsborough Dist. 21 - To Statutory Revision)

HB 281, correcting certain errors in RSA 60. (Boisvert of Hillsborough Dist. 22; J. Gagnon of Hillsborough Dist. 21 - To Statutory Revision)

HB 282, prohibiting the relatives of certain candidates from working at the polls. (Boisvert of Hillsborough Dist. 22; J. Gagnon of Hillsborough Dist. 21 - To Statutory Revision)

HB 283, relative to appointing guardians for residents of Glencliff home for the elderly. (LaMott of Grafton Dist. 6 - To Judiciary)

HB 284, relative to requiring all public buildings to be equipped with thermopane glass or storm windows. (Vlack of Rockingham Dist. 9 - To Public Works)

HB 285, relative to revision of the New Hampshire life and health insurance guaranty association act. (Humphrey of Merrimack Dist. 11 - To Commerce and Consumer Affairs)

HB 286, relative to improvements to the Salem liquor store and making an appropriation therefor. (Parolise of Rockingham Dist. 5; Smith of Rockingham Dist. 5; Gage of Rockingham Dist. 5; Laycock of Rockingham Dist. 5; Campbell of Rockingham Dist. 5; Svek of Rockingham Dist. 5; Vartanian of Rockingham Dist. 5 - To Regulated Revenues)

HB 287, authorizing the purchase of personal liability coverage for individuals providing care to adults residing in certified shared homes, and making an appropriation therefor. (Murray of Hillsborough Dist. 3 - To Health and Welfare)

HB 288, providing for payment of a claim to Albert Kashulines and making an appropriation therefor. (Paradis of Hillsborough Dist. 8; Soucy of Hillsborough Dist. 32 - To Appropriations)

HB 289, relative to certain changes in the veterinary practices act. (Valley of Strafford Dist. 20 - To Environment and Agriculture)

HBI 2003, relative to the holding of hearings on policies of the liquor commission (Girolimon of Hillsborough Dist. 30 - To Legislative Administration)

CACR 8, Relating to: When proposed Constitutional Amendments can be placed on the ballot. Providing that: All proposed amendments shall only be placed on the ballot of the next biennial November election. (Eaton of Hillsborough Dist. 1; Spanos of Sullivan Dist. 6; Buckman of Grafton Dist. 9 - To Constitutional Revision)

CACR 9, Relating to: Voting procedures on constitutional convention sponsored amendments. Providing that: The convention, by a three-fifths majority vote of the entire membership, may propose Constitutional Amendments. (Eaton of Hillsborough Dist. 1; Spanos of Sullivan Dist. 6; Buckman of Grafton Dist. 9 - To Constitutional Revision)

MCR 4, rescinding the ratification by this state of the proposed amendment to the Constitution of the United States extending equal rights to women. (Boisvert of Hillsborough Dist. 22 - To Constitutional Revision)

MCR 5, inviting Chief Justice Lampron to address a joint convention of the general court on the state of the judiciary. (Roberts of Belknap Dist. 4; Sen. Monier of Dist. 9 - To Legislative Administration)

SIX-DAY EXTENSIONS GRANTED

HB 31, relative to prorating motor vehicle permit fees. (Municipal and County Government)

HB 48, establishing a legislative committee to study the feasibility of the state preserving farm land by the purchase of land, development rights or easements and making lands so preserved available for agricultural purposes by lease back or renting to bona fide farm operators. (Environment and Agriculture)

HB 30, requiring persons desiring to run for office to file nomination papers prior to the primary election. (Municipal and County Government)

SUSPENSION OF RULES

Rep. French moved that the rules be so far suspended as to exempt the Statutory Revision Committee from the provision of House Rule 43 which requires a hearing on all bills within twelve legislative days and from the provision of House Rule 57 which requires a committee report on all bills within fifteen legislative days; these exemptions to apply only to bills dealing with election reform provided however, that the Statutory Revision Committee shall hold hearings on all election reform bills and report them for consideration by the House no later than the Thursday prior to any deadline set by joint rules or resolution

for the transfer of bills out of the first house.

Rep. Flanagan spoke to the motion.
Adopted by the necessary two-thirds.

SUSPENSION OF RULES

Rep. French moved that the rules be so far suspended as to permit the Committee on Regulated Revenues to hold a public hearing on HB 263, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 19 years, without the required two-day notice in the calendar.

Rep. Ward spoke to the motion.
Adopted by the necessary two-thirds.

SENATE MESSAGE CONCURRENCE

HB 10, to allow 16 and 17 year old grocery store clerks, cashiers, and baggers to handle wine.

Reps. French and Spirou moved that the House meet at 1:30 p.m. in Joint Convention with the Honorable Senate for the purpose of hearing the Governor's Budget Address.
Adopted.

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the House adopt the amendments to HB's 65, 55, 77 and 127, and further moved that the House adopt the committee recommendation of Ought to Pass on HB's 32, 8, 123 and 22, and further moved that the House adopt the committee recommendations of Ought to Pass with Amendment on HB's 65, 55, 77 and 127, and further moved that the House adopt the committee recommendations of Inexpedient to Legislate on HB's 61, 59, 56 and HBI 2001.

HB 65 was removed from the Consent Calendar at the request of Rep. Wilfrid Boisvert.

HB's 55, 77 and 127 were removed from the Consent Calendar at the request of Rep. Scamman.

Adopted.

HB 32, relative to the fish and game licensing agent's accounting. Ought to Pass. This changes the dates for Fish and Game Department License Agents reporting fee collections. Vote was 18 - 0. Rep. John H. Stimmell for Fish and Game.

HB 8, repealing the statute which established an advisory committee to study the salaries of state officials and employees. Ought to Pass.

This is a "Housekeeping" measure to repeal an inactive statute establishing an advisory committee to study salaries of state officials. Since 1966 this Committee has not functioned. With the passage of Chapter 273-A in the 1975 Session of the Legislature establishing collective bargaining in the public sector there has been no need for such an advisory committee. Vote was unanimous. Rep. Joanne C. Head for Labor, Human Resources and Rehabilitation.

HB 123, legalizing the proceedings establishing the Lamprev Regional Solid Waste Cooperative and authorizing the issuance of certain bonds of the town of Durham. Ought to Pass.

This bill openly displays the state's interest in waste disposal and the Committee feels that it "ought to pass" in order that the project commencement may begin immediately. Committee vote was unanimous. Rep. Roger C. King for Municipal and County Government.

HB 22, to allow persons possessing special motorcvcle licenses to drive mopeds. Ought to Pass.

The purpose of this bill is to allow persons possessing motorcycle licenses to operate mopeds. Committee vote was 14-0. Rep. K. Michael Tavitian for Transportation.

HB 61, mandating the suspension of license to operate for violation of litter control law. Inexpedient to Legislate. Mandatory penalty was considered much too severe for the violation. Vote was 15-0. Rep. Daniel A. Eaton for Judiciary.

HB 59, to exempt certain retail or service establishments from the minimum wage law. Inexpedient to Legislate.

The measure as introduced would exempt certain retail or service establishments from the minimum wage law. New Hampshire's "Minimum Wage" Law, RSA 279, exempts many categories of employees engaged in household labor, domestic labor, farm labor, outside salesmen, summer camps, news boys, golf caddies and non-professional ski patrolmen from the minimum wage hourly rate. This bill if passed would be taking a backward step for New Hampshire and would not enhance opportunities for New Hampshire workers. Committee vote was 15-4. Rep. Robert W. Wheeler for Labor, Human Resources and Rehabilitation.

HB 56, relative to limiting the decibel level of motorcycles operating on a public highway. Inexpedient to Legislate.

This bill will be covered under pending legislation coming before the Transportation Committee. The Committee will consider the subject matter at that time. Vote was 14-0. Rep. K. Michael Tavitian for Transportation.

HBI 2001, relating to the establishment of a Nashua county and a Manchester county. Inexpedient to Legislate.

Due to lack of information and the financial impact to the cities and towns concerned it is not expedient to study this matter at this time. Committee vote was unanimous. Rep. Beverly A. Gage for Municipal and County Government.

COMMITTEE REPORTS (Regular Calendar)

HB 21, authorizing the executive director to sell or dispose of certain confiscated equipment. Ought to Pass with Amendment.

This bill puts a time limit on holding confiscated equipment. The amendment covers owners that cannot be located. Vote was 10 - 0. John H. Stimmell for Fish and Game.

Amendment

Amend RSA 207:18 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. In the event that the owner of any confiscated or abandoned property is not known or cannot be located, said confiscated or abandoned property may be sold at public auction by the executive director after one year from the date said property came into the possession of the fish and game department.

Amendment adopted.

Ordered to third reading.

HB 26, authorizing the appointment of certain personnel as deputy conservation officers. Ought to Pass.

This bill adds more classes to personnel that can be sworn in as Deputy Conservation Officers. Vote was 18 - 0. Rep. John H. Stimmell for Fish and Game.

Referred to Appropriations.

HB 85, relative to fish and game projects supported by federal funds obtained under the Pitman-Robertson Act. Ought to Pass.

This bill would allow the Fish and Game Department to continue its approved programs until the Pitman-Robertson Act is resolved. Vote was 18 - 0. John H. Stimmell for Fish and Game.

Referred to Appropriations.

RECESS

JOINT CONVENTION (Speaker presiding)

BUDGET MESSAGE - 1979 - 1980

PRESENTED BY
GOVERNOR HUGH J. GALLEN

What many people call a new trend is now sweeping the nation. The trend, they say, is fiscal conservatism, and the political bandwagons are being loaded up and are starting to roll on the issue of balancing budgets.

It is easy to get the impression from all the fanfare and flourishes associated with this, that balancing a government's budget is merely a fad --- like the hula hoop or pet rocks.

But we here in New Hampshire know that balancing a state budget is not a fad. It is not a new trend. It is not some meaningless slogan to be used only for political purposes.

Fiscal restraint and a balanced budget is a long and honored tradition in New Hampshire. Today, I am pleased to continue that tradition by presenting to you a balanced budget for the 1980-1981 biennium.

It calls for no new taxes.

It calls for no increases in existing taxes.

It does not short-change the cities and towns of New Hampshire from their fair share of state revenues.

And it does not ignore the state's obligations in providing necessary services.

The gross biennial budget I am proposing totals \$1,288 billion, compared to a current budget of \$1,121 billion. It calls for a 9.3 per cent increase in the first year of the biennium and a 5.4 per cent increase in the second.

The two-year percentage increase, I would like to point out, is slightly less than the rise in the Consumer Price Index during the last two years.

Since a budget is primarily only a tool for carrying out programs, I will try today to discuss programs more than mere figures, but permit me to give you some numbers relating to the general fund.

In their original budget requests made last year, the department heads were seeking a total of \$530 million, after allowing for a 4 per cent lapse from the general fund. At the same time, projected revenues totaled \$452 million, which was revised in January to \$465.5 million. These general fund revenue figures also include federal revenue sharing funds and the anticipated surplus from the current biennium.

My concern was two-fold: That the spending requests be justified, and that the revenue forecasts be as accurate as possible.

My staff, working with the cooperation of the department heads, began a line by line review of the requests. During this process, a number of reductions - and some increases - were made. In some cases, difficult choices had to be made in making the cuts; in others, the reductions were made because the requests simply did not seem to be totally justified.

To make sure that the revenue forecasts were accurate, I enlisted the aid of a blue ribbon panel, headed by Dean Charles Warden of the Whittemore School of Business and Economics at the University of New Hampshire. Dean Warden's panel, comprised of leading businessmen and professionals from the private sector, met with agency heads, members of my staff, and representatives of the Legislature to review the procedures used and the assumptions made in preparing the revenue projections.

Later, Dean Warden and his blue ribbon panel recommended that the forecasts should be revised upward by \$22.75 million.

However, having discussed the panel's recommendations with Comptroller Arthur Fowler, Commissioner Lloyd Price of the Department of Revenue Administration and other agency heads, I have chosen a more conservative estimate of a \$20.3 million increase. This brings the total general fund revenue to \$484.8 million.

During this, the work on the spending requests continued. Throughout the process, my staff and I were guided by several principles.

First, it is our belief that by applying sound, business-like management techniques, significant strides can be made in holding down the cost of government, without

seriously affecting the services government must deliver.

Second, we realize that if state government shifts its fiscal responsibilities onto the shoulders of the cities and towns, there is no real savings for our taxpayers. Instead, they merely end up paying more through their local property tax. Too many times, attempts have been made to transfer the onus of increased spending onto the municipalities. We have been careful to avoid such transfers.

And third, we have given special priority to those areas where state government has neglected its moral obligations, especially toward those citizens who are less fortunate and less able to provide fully for themselves. They have no high-powered lobby to represent them. They have no special leverage to bring to bear upon the state government except upon our consciences. That leverage should be enough.

Guided by these principles, I propose total general fund expenditures of \$503.3 million for the biennium.

After allowing for a 4 per cent lapse, this amounts to \$483.3 million compared to requests of \$530 million.

The new revenue projections amount to \$484.8 million for the general fund, leaving an anticipated surplus of \$1.5 million. Again, this is accomplished without any new taxes, any tax increases, or any deterioration of aid to cities and towns.

Having seen the willingness of the private sector to lend its special expertise in helping state government, and having already drawn on that expertise in making the revenue forecasts, I am encouraged that this innovation can be carried even further.

A special revenue forecasting panel from the private sector will continue throughout the biennium to monitor our revenue receipts on a quarterly basis, and keep the Legislature and my office posted on any changes.

In addition, I intend to call a similar blue ribbon panel, drawing on the vast pool of talent within the state's business and professional community, to act as a cost management committee to propose ways in which the state can run its government business in a more business-like way.

I am certain such a panel, working with my office and members of the Legislature, can find new methods and procedures to reduce the cost of government. As these savings are found, they will be proposed and instituted throughout the biennium.

At this time, however, I propose several immediate cost-cutting measures.

While 117 new employee positions are being created, 180 are being abolished, for a net reduction in employees of 63.

In addition, my budget eliminates all permanent employee positions which have been vacant for more than six months. The net personnel reduction from this move could be 175 employees with a savings of almost \$3 million. However, I have not entered this reduction in the budget as a specific cost-saving figure.

I am also proposing a mechanism for the Fiscal Committee and the Governor and Executive Council to review personnel needs

in state government throughout the biennium, so that under-staffing in one department or agency can be handled by shifting positions from agencies that are found to be over-staffed.

The goal of this will be to keep the total number of state employees at a minimum. Over the last ten years, the number of state employees has risen by 52 per cent; and by 21 per cent over the last five years. This is a disturbing trend which we must try to stop.

Better management techniques at the State Hospital will result in significant savings. I am proposing that the current unit system be changed to consolidate patients and personnel.

The unit system currently has 522 beds and a population of 342, for a 34 per cent vacancy rate. Through a consolidation process, the hospital budget can be reduced by \$3 million, without reducing services at all.

I am approving no new car requests for the general or Fish and Game budgets. By continuing the central car pool, which you instituted in the present budget, half a million dollars can be cut from requests.

I am concerned about the cost of administrative and other non-teaching activities within the University System. I am accordingly urging the trustees to institute measures to insure that as much state money as possible goes to direct student services. As a start, I have reduced the figure for university debt service to a level calculated to match the actual need. Beyond that, I am proposing a 5 per cent increase in the general fund allocation to the system.

Our cities and town governments are partners with state government. We cannot solve our problems by adding to theirs.

My budget includes a full return of revenues due the cities and towns --- \$141.8 million in total, and a 25 per cent increase over the current biennium.

Also for the cities and towns, I propose that the currently vacant and unfunded position of Director of the Division of Economic Development be filled and funded. This will help the cities and towns attract the kinds of businesses and industries they want, and will make sure that state economic development policies do not conflict with those of particular localities.

The time is overdue, I believe, for those of us in state government to sit down with representatives of the cities and towns to review the methods of collecting and disbursing existing sources of state revenue. The process of collecting and returning these revenues could be simplified and streamlined, and the increased efficiency would also result in cost-savings.

The taxpayers of New Hampshire have learned from hard experience that if their state and local governments do not work together, the result is a higher tax burden in one form or another.

Coupled with my belief that new business techniques can be applied to how government is run is the equally strong belief that the purpose of government is to serve the people.

Efficiency is a means to the end, but it is not an end unto itself.

Decency and humanity dictate that the state has a number of moral obligations it must meet. Common sense shows that many have not been met in past years.

Nowhere is this more apparent than at the Laconia State School and in its current and past residents. For years the approach has been: Let's give the Laconia State School a little money, if there's some left over.

Instead, my approach is: Let's give the Laconia State School what it needs, right at the start.

This budget contains \$23 million for the Laconia State School.

It also includes funding for a program that has several parts.

First, we will develop individual service plans for each person at the school, and at the same time provide necessary training, therapy and recreation.

Second, we will review the needs of the more than 600 persons who have already been discharged from the school.

And third, we will develop a careful plan to return approximately 100 clients to their home communities over the biennium, and do that in a manner that insures they are prepared to leave the school and that their communities are equipped to receive them.

I propose that we spend \$7.6 million in state and federal funds for this effort, and I will be proposing more money in the capital budget.

This plan and this budget proposal themselves will not solve the long-standing problems at the Laconia State School. This is just the beginning. But begin we must, or the thought that the state once again turned its back on the school's residents will haunt us all.

At the State Prison, the courts have already said that the state has not met its obligations. They have ordered changes in personnel, procedures, equipment, food and medical services, and my budget complies by proposing an increase of \$2.1 million --- for a total of \$10.5 million --- in general fund expenditures.

I am also proposing increased appropriations at the Youth Development Center to provide for better treatment of the young people there. This, and other efforts we will make, will be aimed at assuring that the state is not, in effect, making hardened criminals out of truants.

The benefits given to aid families with dependent children are currently at 1969 levels. I do not need to tell you that the cost of feeding, clothing and sheltering children has risen astronomically since 1969.

I propose to end this decade of neglect.

My budget calls for increasing the benefits to 1972 levels in the first year of the biennium, and to 1975 levels in the second year. The cost of this is approximately \$10.5 million.

The state has already shown that the money it spends in this area is not wasted. Now that we are confident that only those people who deserve these benefits are receiving them, we must begin to make the benefits more equitable.

There is a dire need in New Hampshire for affordable housing, especially for rural

elderly people with low or modest incomes. To help meet this need, I propose four new, federally-funded positions for the State Housing Commission.

This will accompany my plan to revitalize the housing commission to make full use of federal funds available for housing programs.

The Supreme Court will shortly issue new guidelines on fees for assigned counsel, which will probably double the present fees. In light of this, I believe the best and most cost-effective way to meet our obligation to indigent defendants is to expand the public defender system to provide more services at a lower cost per case.

There are several items not included in this budget proposal which I wish to bring to your attention.

The first is a pay raise for state employees. They are entitled to fair payment for their work, but because this issue is still in the midst of negotiation it would be inappropriate, and in fact probably illegal, for me to mention any figures at this time.

However, when the negotiation process is completed and a settlement has been agreed upon, I will return to you and recommend ways for the contract to be funded.

It is no secret that harness racing is in trouble in New Hampshire. I do not intend to preside over the extinction of this industry, which provides employment to many of our citizens. After examining the Sire Stakes Program and exploring other avenues of assisting this valuable industry, I will supply the Appropriations Committee with a recommendation for funding.

This budget does not include funding for the Commission on the Handicapped, but I support funding the commission. Once a fair figure is reached, I will support its inclusion during the legislative process.

You will notice that several other things are not included in this budget. There is no proposal for a broad-based sales or income tax. They are not needed, and they are not wanted.

The budget can be balanced, and our commitments to the municipalities and to our residents can be met without them. I urge you not to bother considering or proposing such a tax, for I will veto it.

I will also veto any schemes to raise revenue through the passage of any new gambling bills. I will not allow the fabric of our society to be sullied by the introduction of slot machines or casinos in New Hampshire.

I will also strongly oppose the opening of additional state liquor stores on Sundays.

One final word. My role in the budget does not end here today. I have already indicated to you that my staff and I will continuously search for ways to cut costs and we will monitor the revenues.

We will be involved in the process of hearings and debates until you present a budget to me for my approval. To the greatest extent possible, let us attempt to make any budget changes within the framework of existing revenue sources.

We are and will remain partners in this process. Already some of you have devoted much time on the budget, and I wish to thank

you for it. I also wish to extend thanks to Mr. Price, Mr. Fowler, and his deputy, Ralph Brickett, and to other department heads and their personnel for their help; and to Dean Warden and the members of his blue ribbon panel who volunteered their time and expertise on the revenue forecasts.

And I wish to thank you all for your attention and your patience today.

I am confident that we can work together to see that the state serves its residents well, without placing an unneeded burden on their pocketbooks.

Rep. French and Sen. Blaisdell moved that the Joint Convention rise.
Adopted.

Sen. Lamontagne and Rep. Joseph Eaton moved that the Joint Convention adjourn.
Adopted.

HOUSE (Speaker in the Chair)

COMMITTEE REPORTS (cont.)

HB 65, to exempt certain utilities from the need to seek approval to levy certain fuel adjustment charges. Ought to Pass with Amendment.

Committee hearings heard no opposition to this bill - it simply relieves utilities that do not generate electricity from a monthly trip to the Public Utilities Commission with "Fuel Clause" computations. The Committee felt that the end results can save the consumer money, we are all consumers. Committee vote was unanimous for "Ought to Pass with Amendment." Rep. C. Dana Christy for Commerce and Consumer Affairs.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Exemption. Amend RSA 378:3-a (supp) as inserted by 1976, 58:1 by striking out said section and inserting in place thereof the following:

378:3-a Fuel Adjustment Charge.

I. In this section "fuel adjustment charge" means a charge designed to cover increases and decreases in the cost of purchased electric power for a public utility purchasing electric power and increases and decreases in the delivered cost of fuel to the generating plant site for a public utility generating its own electric power.

II. No public utility which generates its own electric power may levy a fuel adjustment charge unless it secures approval from the commission subsequent to a public hearing held at least 7 days prior to the first day of each month in which the charge is to be levied.

III. Any public utility which does not generate its own electric power that purchases electric power already subject to a fuel adjustment charge approved by the regulatory agency having jurisdiction over said charge, shall not be required to secure

approval from the commission by public hearing prior to passing on the fuel adjustment charge in the cost of purchased electric power to its customers.

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Wilfrid Boisvert spoke to the committee report and requested an explanation of the report.

Rep. Christy explained the report.
Ordered to third reading.

HB 55, relative to the number of hours for the completion of an apprenticeship. Ought to Pass with Amendment.

This bill would put New Hampshire in full conformity with the Federal Apprenticeship Program and would help establish many new apprenticeship training programs. It will in no way affect established trade apprenticeship standards. It would reduce the apprenticeship training programs from 4000 to 2000 hours. Committee vote was unanimous. Rep. Kenneth H. Gould for Labor, Human Resources and Rehabilitation.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:
2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 77, relative to the payment of salaries for Grafton County elected officials. Ought to Pass with Amendment. This bill allows all county treasurers to pay salaries as determined by the commissioners. Vote was 15-0. Rep. Beverly A. Gage for Municipal and County Government.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the payment of salaries for county elected officials

Amend the bill by striking out section 1 and inserting in place thereof the following:
1 Grafton County. Amend RSA 23:5 (supp) as amended by striking out said section and inserting in place thereof the following:
23:5 Payment of Salaries. The salaries of county attorneys, sheriffs and county treasurers shall be paid from the county treasury in equal payments as determined by the county commissioners.

Rep. Mann explained the committee report.
Amendment adopted.
Ordered to third reading.

HB 127, changing the custody of the jail in Manchester. Ought to Pass with Amendment.

This bill puts the jail in the custody of the Superintendent of the Hillsborough County House of Correction. Committee vote was unanimous. Rep. Dorothy J. Drewniak for Municipal and County Government.

Amendment

Amend Section 2 of the bill by striking same and adding in its place the following:
2 Effective Date. This act shall take effect upon enactment.

Amendment adopted.

Ordered to third reading.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, February 20 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 65, to exempt certain utilities from the need to seek approval to levy certain fuel adjustment charges.

HB 32, relative to the fish and game licensing agent's accounting.

HB 8, repealing the statute which established an advisory committee to study the salaries of state officials and employees.

HB 55, relative to the number of hours for the completion of an apprenticeship.

HB 77, relative to the payment of salaries for county elected officials.

HB 123, legalizing the proceedings establishing the Lamprey Regional Solid Waste Cooperative and authorizing the issuance of certain bonds of the town of Durham.

HB 127, changing the custody of the jail in Manchester.

HB 22, to allow persons' possessing special motorcycle licenses to drive mopeds.

HB 21, authorizing the executive director to sell or dispose of certain confiscated equipment.

UNANIMOUS CONSENT

Rep. James J. White addressed the House under unanimous consent.

Rep. French moved that the House stand in recess from time to time for the sole purpose of introducing bills and enrolling reports and when the House adjourns, it be to meet Tuesday, February 20 at 1:00 p.m.

Adopted.

RECESS

Rep. French moved that the House adjourn.
Adopted.

HOUSE JOURNAL 9

Tuesday 20Feb79

The House met at 1:00 p.m.

Prayer was offered by The House Chaplain, Rev. William L. Quirk.

Let us pray:

Almighty and eternal God, may Your love enkindle in all of us a concern for the poor and unfortunate people in our care whose lives have been reduced to a condition unworthy of human beings. Arouse in the hearts of all of us who call on You, a hunger and thirst for social justice and for fraternal charity in deeds and truth.

Grant to all of us, Our Heavenly Father, the ability to think honestly and speak wisely. Make us always ready and eager to listen to others.

Bestow on all of us, Your people, Your own gift of charity which is the bond of unity and peace.

May all of us find peace in this day and in the days ahead, peace to families, peace to our state, peace to our country and peace among nations. Amen.

Rep. Tavitian led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Cotton, Hebert, Hoar, Nighswander, Close, Pucci, Stickney, John Winn, Margaret Ramsay, Winkley and Dearborn, the day, illness.

Reps. Aeschliman, Aldrich, Baybutt, Dupont, Nemzoff-Berman, Quimby, Allen Wilson, Cecelia Winn, Stahl, Willey, Hynes, Leslie, Levesque and Daniel Eaton, the day, important business.

Rep. Thomson, illness in the family.

INTRODUCTION OF GUESTS

Sharon Heath, wife of Rep. Heath; Robert Steiner, husband of Rep. Steiner; Edward Cameron, grandson of Rep. John Cate; John and Sean Day, husband and son of Rep. Catherine-Ann Day; Doris Chappell, wife of Rep. Chappell.

Rep. French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 290 through 323 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 290, relative to property tax exemptions for the blind. (Olson of Coos Dist. 5; Richardson of Coos Dist. 4; Brungot

of Coos Dist. 8; Chambers of Grafton Dist. 13; Guav of Coos Dist. 5; Sen. Lamontagne of Dist. 1 - To Municipal and County Government)

HB 291, permitting a patient to direct the withdrawal of life-sustaining measures under certain circumstances. (Close of Cheshire Dist. 14; Dickinson of Carroll Dist. 7; Daniell of Merrimack Dist. 13; Holliday of Merrimack Dist. 3; Chambers of Grafton Dist. 13; Wallin of Hillsborough Dist. 16; Townsend of Sullivan Dist. 1; Wilson of Rockingham Dist. 2; Lessard of Strafford Dist. 20; Sen. Hough of Dist. 5 - To Health and Welfare)

HB 292, relative to home rule. (Gage of Rockingham Dist. 5; Dion of Hillsborough Dist. 21; King of Rockingham Dist. 1; Quimby of Rockingham Dist. 4; Stickney of Rockingham Dist. 16; Spanos of Sullivan Dist. 6; Davis of Rockingham Dist. 2; Perkins of Hillsborough Dist. 8; Nemzoff-Berman of Hillsborough Dist. 18 - To Municipal and County Government)

HB 293, relative to the appointment of members of the state commission on the status of women and providing for mileage for said members. (Krasker of Rockingham Dist. 22; Copenhagen of Grafton Dist. 13; Morrison of Hillsborough Dist. 14 - To Executive Departments and Administration)

HB 294, requiring businesses to post their refund policy. (Smith of Rockingham Dist. 5; Carpenito of Rockingham Dist. 5 - To Commerce and Consumer Affairs)

HB 295, repealing certain provisions relative to emergency diagnostic detention hearings. (Lamy of Hillsborough Dist. 35 - To State Institutions)

HB 296, permitting laetrile to be manufactured in New Hampshire. (Cote of Hillsborough Dist. 28 - To Commerce and Consumer Affairs)

HB 297, relative to the violation of the laws relating to dogs. (Sabbow of Belknap Dist. 6 - To Judiciary)

HB 298, allowing voters of cities and towns to petition for a binding referendum. (Cote of Hillsborough Dist. 28 - To Municipal and County Government)

HB 299, concerning the location of the liquor store on Interstate 95 and increasing the amounts of funds therefor. (White of Hillsborough Dist. 27; Ribbo of Merrimack Dist. 7; LaMott of Grafton Dist. 6; Palmer of Sullivan Dist. 7; Sen. Sanborn of Dist. 17 - To Public Works)

HB 300, requiring the licensing of rescue squad attendants and driver-attendants. (Cote of Rockingham Dist. 7 - To Health and Welfare)

HB 301, relative to retirement of probate judges due to constitutional age limitation. (Vrakatis of Cheshire Dist. 12; Sen. Saggiotes of Dist. 8; Sen. Blaisdell of Dist. 10 - To Executive Departments and Administration)

HB 302, providing a "whole man" scheduled award under the workmen's compensation act. (Burkush of Hillsborough Dist. 33 - To Labor, Human Resources and Rehabilitation)

HB 303, exempting certain New Hampshire residents 65 years of age or older from the school tax and repealing certain exemptions. (Kohl of Cheshire Dist. 15 - To Municipal and County Government)

HB 304, regulating the crossing of

public utilities lines over railroad property. (Mann of Grafton Dist. 6 - To Commerce and Consumer Affairs)

HB 305, increasing the fee for initial number plates from \$5 to \$10. (White of Hillsborough Dist. 27 - To Transportation)

HB 306, relative to the monitoring of state government telephones to prevent excessive use. (Nims of Cheshire Dist. 15 - To Appropriations)

HB 307, relative to patient employment at New Hampshire hospital. (Head of Hillsborough Dist. 10; Dion of Hillsborough Dist. 21 - To Labor, Human Resources and Rehabilitation)

HB 308, relative to creating a committee to study the establishing of a state uniform mapping agency. (Nims of Cheshire Dist. 15; Vrakatis of Cheshire 12 - To Legislative Administration)

HB 309, authorizing the water supply and pollution control commission to employ additional assistant chief engineers. (LaMott of Grafton Dist. 6; Sen. Hancock of Dist. 15; - To Resources, Recreation and Development)

HB 310, requiring sewer rental charges to reflect certain factors. (Cote of Hillsborough Dist. 28 - To Resources, Recreation and Development)

HB 311, relative to the conduct of lotteries and contests and the offering of prizes and gifts in connection with the sale of subdivided lands and condominiums. (McLane of Merrimack Dist. 16; Wallin of Hillsborough Dist. 16 - To Commerce and Consumer Affairs)

HB 312, requiring mud flaps on all trucks, including one ton pick-ups. (White of Hillsborough Dist. 27 - To Transportation)

HB 313, relating to the salary of the Deputy Bank Commissioner. (Lamy of Hillsborough Dist. 35 - To Appropriations)

HB 314, relative to the reporting of shortages to bank commissioner. (Scamman of Rockingham Dist. 15 - To Commerce and Consumer Affairs)

HB 315, defining the coyote as a fur-bearing animal. (Sabbow of Belknap Dist. 6 - To Fish and Game)

HB 316, relative to gaining settlement. (Murray of Hillsborough Dist. 3 - To Municipal and County Government)

HB 317, relative to arbitration of settlement disputes. (Murray of Hillsborough Dist. 3 - To Municipal and County Government)

HB 318, relative to electricians on projects supervised by the New Hampshire department of public works and highways. (McLaughlin of Hillsborough Dist. 16 - To Public Works)

HB 319, prohibiting certain tires on any way in this state between May 1 and November 1. (McLaughlin of Hillsborough Dist. 16 - To Transportation)

HB 320, relative to disabled or unattended motor vehicles. (McLaughlin of Hillsborough Dist. 16 - To Transportation)

HB 321, allowing the postsecondary education commission to set a reasonable fee for certain transcripts. (Willey of Coos Dist. 3 - To Appropriations)

HB 322, requiring all commercial eating establishments or places where food is served to post in a conspicuous place a graphic display of the Heimlich or similar maneuver. (Griffin of Rockingham Dist. 19;

Wilson of Rockingham Dist. 2 - To Health and Welfare)

HB 323, establishing the Meredith district court and the Canaan district court. (French of Belknap Dist. 1 - To Judiciary)

APPOINTMENT

Pursuant to the authority of the statutory reference, as mentioned, I have made the following appointment:

RSA 200-G:2 Educational Commission of the States; Rep. Arthur Tufts.

George R. Roberts
Speaker

SENATE MESSAGE

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 26, relative to wholesale dealer's license to buy and sell lobsters and crabs. (Fish and Game)

SB 18, prohibiting a candidate defeated in a primary from running as an independent and prohibiting a person from appearing on the ballot for different offices under different party designations or as an independent in the general election. (Statutory Revision)

SB 27, an act providing for an antique motorcycle. (Transportation)

SB 20, relative to the charter of the Frisbie Memorial Hospital. (Statutory Revision)

COMMITTEE REPORTS

(Consent Calendar)

Rep. French moved that the House adopt the amendment to HB 13, and further moved that the House adopt committee recommendations of Ought to Pass on HB's 114, 19, 96 and 64, and further moved that the House adopt the committee recommendation of Ought to Pass with Amendment on HB 13, and further moved that the House adopt the committee recommendation of Inexpedient to Legislate on HB 29.

HB 13 was removed from the Consent Calendar at the request of Rep. Spirou.

HB 29 was removed from the Consent Calendar at the request of Rep. Warburton. Adopted.

HB 114, relative to the powers and duties of the state veterinarian. Ought to Pass.

Provides for the orderly transition of authority in the event the Commissioner of Agriculture is unable to act in his proper capacity. Bill further adds that the state veterinarian have experience in the practice of veterinarian medicine including large animal practice. Unanimous vote of Committee. Rep. Myrtle B. Rogers for Environment and Agriculture.

HB 19, legalizing the biennial election in the town of Chester. Ought to Pass. This bill simply legalizes the biennial election in the town of Chester. Committee vote was unanimous. Rep. Ezra

B. Mann, II for Municipal and County Government.

HB 96, amending the charter provisions of the Littleton water and light department and providing for local referendum. Ought to Pass.

This bill brings the Littleton water and light department in line with the non-partisan position of the elected town officials. The bill also calls for a referendum. Committee vote was unanimous. Rep. Ezra B. Mann, II for Municipal and County Government.

HB 64, relative to persons who may hold public offices. Ought to Pass. This is a housekeeping measure. Repeals 91:1 now covered by Article II, Bill of Rights, New Hampshire Constitution. Committee vote was unanimous. Rep. Natalie S. Flanagan for Statutory Revision.

COMMITTEE REPORTS (Regular Calendar)

HB 70, providing a penalty for using an artificial light during certain months to locate wild birds or animals, except raccoons. Ought to Pass with Amendment.

This bill eliminates some months that an artificial light can be used to illuminate game. The amendment excepts raccoons. Committee vote was 14-4. Rep. John H. Stimmell for Fish and Game.

Amendment

Amend RSA 208:8-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

208:8-a Penalty for Illegal Use of Light. A person who deliberately uses an artificial light during the period from October first through December thirty-first to illuminate, jack, locate or attempt to locate wild birds or wild animals, except raccoons, shall be guilty of a violation.

Amendment adopted.
Ordered to third reading.

HB 81, permitting the use of up to 6 lines for ice fishing. Ought to Pass with Amendment.

This bill increases the number of lines a fisherman may use while fishing through ice. The amendment requires that name and address be on each trap. Committee vote was unanimous. Rep. John H. Stimmell for Fish and Game.

Amendment

Amend RSA 207:1, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Angling. The taking of fish by line in hand or by rod in hand to which is attached a cast of artificial flies, or an artificial bait, or one hook for bait. A person may have in use not more than one such line at one time except while fishing from a boat, canoe or other craft, when ?

lines may be used; or, if fishing through the ice, 6 lines may be used; provided, that each "tipup" shall be properly identified with a marker containing the name and address of the person using the tackle. Nothing in this title shall prohibit the use of a rod-holder in a boat.

Amendment adopted.
Ordered to third reading.

HB 54, to permit physicians' assistants to prescribe certain medications. Ought to Pass with Amendment.

This bill permits physicians' assistants to prescribe certain medications approved by the Board of Registration in Medicine. It has the support of the Board of Registration in Medicine and also the Institute of Medicine. This will extend its influence to one of the most important issues new health practitioners have. With the passage of the Rural Health Clinics this expands the potential for physicians' assistants in this state. Nine other states now have similar legislation. Vote was 7-6. Rep. Fred E. Murrav for Health and Welfare.

Rep. Griffin moved that HB 54 be recommitted to the Committee on Health and Welfare.

Rep. Spaulding spoke in favor of the motion.

Adopted.
Recommitted to Health and Welfare.

HB 107, providing for staggered 6-year terms for county commissioners in Grafton county. Inexpedient to Legislate. Grafton County Delegation was not polled on this bill. Grafton County has an executive director that knows the workings of the county in case a whole new board is elected at the same time. Unanimous vote of Committee. Rep. Beverly A. Gage for Municipal and County Government.

Resolution adopted.

HB 62, relative to the payment of racing fees to a municipality. Ought to Pass.

The bill would bring New Hampshire law in line with United States Trotting Association's rule that allows 10 days for county fair racing dates. Committee vote was 11-0. Rep. Kathleen W. Ward for Regulated Revenues.

Ordered to third reading.

HB 47, relative to the length of motor vehicles, tractor and semi-trailer units. Ought to Pass with Amendment.

The Committee voted unanimous that the bill ought to pass with amendment. The bill maximizes the length of trailers including any overhang to 45 feet with overall length bumper to bumper to 60 feet. This will conform to manufacturers specifications on trailers and conform to most of our neighboring states as to overall lengths. Rep. K. Michael Tavitian for Transportation.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Increasing Permissible Length. Amend RSA 263:65 (supp) as amended by striking out said section and inserting in place thereof the following:

263:65 Width and Length. No vehicle whose width including load is greater than 96 inches or in the case of a bus 102 inches exclusive of safety devices, or whose length including load is greater than 35 feet, and no semi-trailer whose total length is greater than 45 feet, and no combination of wheels coupled together whose total length, including load, is greater than 60 feet, shall be operated on the highways of this state. Provided however, that the provisions of this section relative to length shall not apply to vehicles transporting poles, logs, timbers or metal, when actually so employed, and that in determining width there shall be excluded 6 inches of any increase in width due to changing to low pressure tire equipment from other tire equipment. Provided further, that a vehicle may be operated on the highways of this state transporting a load of loose hay or loose fodder when the width including said load is greater than 96 inches so long as the width of said vehicle without said load does not exceed said 96 inches. Provided, further, that a motor bus which has an overall length, inclusive of front and rear bumpers, in excess of 35 feet, but not in excess of 40 feet and the load on any axle not in excess of the limits provided in RSA 263:61, may be operated on the highways of this state.

Amendment adopted.

Rep. Tavittian yielded to questions.
Ordered to third reading.

HB 13, allowing counties to establish fees and mileage to be paid to medical referees and performers of autopsies. Ought to Pass with Amendment.

This bill needed to update present law. Unanimous vote of Committee. Rep. Ezra B. Mann, II for Municipal and County Government.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

allowing counties to establish fees and mileage to be paid to medical examiners and performers of autopsies.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statutory References to Medical Referees. Amend the following sections of RSA by striking therefrom the words "medical referee" or "referee" when used to refer to a medical referee and inserting in place thereof the following (medical examiner) so that the same as amended shall refer to

medical examiners:

RSA 290:8; RSA 611:1; RSA 611:2; RSA 611:2-a; RSA 611:3; RSA 611:3-a; RSA 611:4; RSA 611:4-a; RSA 611:5; RSA 611:6; RSA 611:6-a; RSA 611:7; RSA 611:8; RSA 611:11; RSA 611:15; RSA 611:17; RSA 611:18; RSA 611:19; RSA 611:21; RSA 611:23; RSA 611:24; RSA 611:25; RSA 611:26; RSA 611:29; RSA 611:30; RSA 611:31; RSA 611:32.

2 Fees for Medical Examiners. Amend RSA 611:77 as amended by striking out said section and inserting in place thereof the following:

611:27 Fees; Medical Examiners. The county convention for each county shall establish the fees to be allowed the medical examiners for a view and inquiry without an autopsy; a view and autopsy; an inquest; and mileage rates for all necessary travel.

3 Expense of Autopsy. Amend RSA 611:12 (supp) as amended by striking out said section and inserting in place thereof the following:

611:12 Autopsy, Expense. The county attorney shall direct under whose supervision the autopsy shall be made, and the expense thereof shall be determined by the county convention of each county and borne by the county, including those instances of sudden and unexplained death of a child under 3 years of age supposed to be caused by sudden infant death syndrome.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment Adopted.

Ordered to third reading.

HB 29, eliminating the possibility of a candidate's name appearing as the candidate of more than one party. Inexpedient to Legislate.

This bill as written would deprive the voter of the right to write in the candidate of his choice. Committee vote was unanimous. Rep. Natalie S. Flanagan for Statutory Revision.

Rep. Warburton moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Sanders, Wilfrid Boisvert, Ward, Sackett and Kenneth Randall spoke against the motion.

Reps. Wilfrid Boisvert and Ward yielded to questions.

Motion lost.

Resolution adopted.

SUSPENSION OF RULES

Rep. Bosse moved that the rules be so far suspended as to permit the Committee on Judiciary to hold a public hearing on HB 323, establishing the Meredith district court and the Canaan district court, without the required two-day notice in the calendar.

Rep. Bosse spoke in favor of his motion. Adopted by the necessary two-thirds.

SIX-DAY EXTENSION GRANTED

HB 67, amending the definition of the term "walking disability" in the motor vehicle laws. (Statutory Revision)

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 22 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 114, relative to the powers and duties of the state veterinarian.

HB 13, allowing counties to establish fees and mileage to be paid to medical examiners and performers of autopsies.

HB 19, legalizing the biennial election in the town of Chester.

HB 96, amending the charter provisions of the Littleton water and light department and providing for local referendum.

HB 64, relative to persons who may hold public offices.

HB 70, providing a penalty for using an artificial light during certain months to locate wild birds or animals, except raccoons.

HB 81, permitting the use of up to 6 lines for ice fishing.

HB 62, relative to the payment of racing fees to a municipality.

HB 47, relative to the length of motor vehicles, tractor and semi-trailer units.

Rep. French moved that the House stand in recess from time to time for the sole purpose of introducing bills and enrolling reports and when the House adjourns, it be to meet Thursday, February 22 at 1:00 p.m.

Adopted.

RECESS

(Rep. French in the chair)

ENROLLED BILLS REPORT

HB 10, to allow 16 and 17 year old grocery store clerks, cashiers, and baggers to handle wine.

Sen. James Saggiotes
For the Committee

Reps. Lyons, LaMott, Packard and L. Penny Dion offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 324 through 335 and 337 through 352 shall be by this resolution read a first and second time by the therein list titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 324, relative to establishing local

emergency telephone service. (Dickinson of Carroll Dist. 2; Sanders of Belknap Dist. 4; Taffe of Grafton Dist. 5 - To Science and Technology)

HB 325, increasing the rate of the business profits tax and distributing the increased revenues to the cities and towns. (White of Hillsborough Dist. 27 - To Ways and Means)

HB 326, providing for the election of city officers in the city of Nashua on a political party basis. (Roisvert of Hillsborough Dist. 22; Gagnon of Hillsborough Dist. 21 - To Municipal and County Government)

HB 327, establishing the air resources commission and the air resources agency as an independent commission and agency and repealing certain provisions of the RSA. (Greene of Rockingham Dist. 17 - To Executive Departments and Administration)

HB 328, relative to establishing minimum standards for the use and occupancy of rental property. (Ouinby of Rockingham Dist. 4; Parr of Rockingham Dist. 12; Hanson of Belknap Dist. 5 - To Commerce and Consumer Affairs)

HR 329, relative to the hunting seasons. (Belak of Sullivan Dist. 2 - To Fish and Game)

HB 330, relative to the release of inmates at county houses of correction for the purpose of gainful employment or rehabilitation. (Carroll of Merrimack Dist. 19 - To State Institutions)

HB 331, concerning candidacy for the county convention. (Carroll of Merrimack Dist. 19 - To Statutory Revision)

HR 332, establishing a special fund for boat safety. (White of Hillsborough Dist. 27 - To Public Protection and Veterans' Affairs)

HR 333, relative to the cost of governmental communication. (Nims of Cheshire Dist. 15 - To Executive Departments and Administration)

HB 334, providing for cost of living salary increases for operating staff of the university system and making an appropriation therefor. (Russell of Cheshire Dist. 13 - To Appropriations)

HR 335, authorizing the town of Wakefield to build an auxiliary or service road from the access road onto Route 16. (Allen of Carroll Dist. 5 - To Public Works)

HB 337, making an appropriation to the department of resources and economic development for improvements to Bear Brook state park. (Plourde of Merrimack Dist. 7 - To Public Works)

HB 338, relative to nonforfeiture benefits of life insurance policies and reserve valuation standards for life insurance policies and annuity contracts. (Humphrey of Merrimack Dist. 11 - To Commerce and Consumer Affairs)

HB 339, deleting references to handicapped in RSA 198:20-a. (Taffe of Grafton Dist. 5 - To Education)

HB 340, changing the membership of the professional standards board. (Taffe of Grafton Dist. 5 - To Education)

HB 341, concerning impartial presentations of certain materials in schools. (Plourde of Merrimack Dist. 7 - To Education)

HR 342, relative to the state's

reimbursement of certain nursing homes at 100 percent of reasonable cost. (White of Hillsborough Dist. 27; Brack of Hillsborough Dist. 28 - To Health and Welfare)

HB 343, relative to organ donors being specified on identification cards issued by the director of motor vehicles. (White of Hillsborough Dist. 27 - To Health and Welfare)

HB 344, relative to the penalties for assault, manslaughter and attempted murder. (Clements of Merrimack Dist. 1 - To Judiciary)

HB 345, redefining the term "sexual contact" as used in RSA 632-A, relative to sexual assault and related offenses. (Jones of Rockingham Dist. 13 - To Judiciary)

HB 346, relative to the crimes of forgery, issuing a bad check, commercial bribery and sports bribery. (Jones of Rockingham Dist. 13 - Judiciary)

HB 347, relative to restrictions on advertising devices on the federal-aid secondary highway system. (Galloway of Cheshire Dist. 1 - To Public Works)

HB 348, modifying the criminal classification of operating a motor vehicle under the influence of alcohol or controlled drugs. (Smith of Strafford Dist. 3 - To Judiciary)

HB 349, increasing the mandatory retirement age for group II members of the New Hampshire retirement system from 65 to 70. (Woodman of Rockingham Dist. 12 - To Executive Departments and Administration)

HB 350, relative to the circumstances under which theft is a class B felony. (Boyer of Hillsborough Dist. 20 - To Judiciary)

HB 351, amending the "child pornography" statute. (Royer of Hillsborough Dist. 20 - To Judiciary)

HB 352, relative to certain add-on charges in connection with motor vehicle sales. (Wallin of Hillsborough Dist. 16 - To Commerce and Consumer Affairs)

Rep. Lyons moved that the House adjourn.
Adopted.

HOUSE JOURNAL 10

Thursday 22Feb79

The House met at 1:00 p.m.

Prayer was offered by The House Chaplain, Rev. William L. Quirk.

Let us Pray:

Lord, our God, our happiness is Your concern and constant wish for all of us. It is right and just that our concern for You should be Your glory.

Help us to live happily in Your presence and in the presence of one another. May this concern of Yours and ours see the world about us cured and renewed. It is only when we care that we can cure any age at any time.

May we see peace restored in our lives and in those around us. May we cooperate to build a new creation in hope where You will be our light and our promise for the future. Amen.

Rep. Canney led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Winklev, Hoar, Cotton, Hebert, Close, Pucci, John Winn, Blake, Thibeault, Michael Hanson and Roland Lemire, the day, illness.

Reps. Vlack, Levesque, Baybutt, Rock Tremblay, Spanos, Leslie, Aldrich, Raymond Dupont, Nemzoff-Berman, Quimby, Allen Wilson, Brack, Mansfield, Russell, Pine, Wallace, Domini, Morgan and Nardi, the day, important business.

Reps. Thomson and Cecelia Winn, the day, illness in the family.

INTRODUCTION OF GUESTS

Rachel Lyn Morrison and Elizabeth Ann Barnes, daughter and guest of Rep. Morrison; Mrs. Ferne Schmidtchen and Kenneth Schmidtchen, wife and son of Rep. Schmidtchen; Amy Beth and Michael R. Rowson, children of Rep. James White.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. French moved that HR 6, relative to the harassment and treatment of United States citizens in Iran, shall be by this motion sent for printing and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE RESOLUTION

HR 6, relative to the harassment and treatment of United States citizens in Iran. (Sanders, Belknap Dist. 4 - To State-Federal Relations)

SENATE MESSAGE

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 43, adopting a New Hampshire-Massachusetts interstate sewage and waste

disposal facilities compact. (State-Federal Relations)

SR 46, increasing the authorization of dredging Hampton harbor. (Appropriations)

COMMUNICATION

George B. Roberts, Jr.
Speaker of the House

As chairman of the State Song Selection Board appointed pursuant to Chapter 7 of the Laws of 1977, as amended by Chapter 224 of the Laws of 1977, I am writing to the members of the General Court to inform them that, at a ceremony held at the State House in Concord on November 19, 1977, we announced our selection of "Old New Hampshire" with words by Dr. John F. Holmes and music by Maurice Hoffman as the Official State Song.

Sincerely,

William E. Elwell, Chairman
State Song Selection Board

SIX-DAY EXTENSIONS GRANTED

HB 91, restricting the disposal of high or low level nuclear wastes in the state and within the coastal jurisdiction of the state. (Science and Technology)

HB 18, providing for a sworn affidavit in lieu of the old hunting license to prove competency in handling of firearms. (Fish and Game)

COMMITTEE REPORTS

(Consent Calendar)

Rep. French moved that the House adopt the Amendments to HB's 1, 83, 71 and 118, and further moved that the House adopt the committee recommendation of Ought to Pass on HR's 4, 172, 183, 175 and 74, and further moved that the House adopt the committee recommendation of Ought to Pass with Amendment on HR's 1, 83, 71 and 118, and further moved that the House adopt the committee recommendation of Inexpedient to Legislate on HB's 80, 92, 120, 58 and 97, and further moved that the House adopt the committee recommendation of Refer to Interim Study by the designated standing committee on HB 126, and under the rules HB 118 be referred to Appropriations.

HB's 1, 83 and 71 were removed from the Consent Calendar at the request of Rep. Spirou.

Adopted.

HB 4, relative to confiscation of one's animal after a person is convicted of cruelty to animals. Ought to Pass.

This bill gives judge authority to remove or return animals to a person convicted of cruelty to his animals. Vote was 17-0. Rep. Fritz T. Sabhow for Fish and Game.

HB 172, relative to the compensation paid to certain probate judges. Ought to Pass.

Intent of HB 172 is to pay probate judges who are called to another county at the rate allowed to masters by the Superior Court including allowable expenses.

The bill would provide the same compensation also to acting probate judges. It is believed that this will make it easier to obtain judges from other jurisdictions or to obtain acting judges so that probate court business can be conducted expeditiously when regular judges are unable to serve. Committee vote was unanimous. Rep. Francis E. Robinson for Judiciary

HB 183, relative to making certain changes in the marriage laws. Ought to Pass. This bill approved by all city and town clerks changes the waiting period from 6 to 3 days for the convenience of the parties involved as all requirements are met in a 3-day period, and will also meet requirements of neighboring states. Committee vote was 14-2. Rep. Kenard F. Avles for Judiciary.

HB 175, eliminating the prohibition of sales of pistols and revolvers to aliens. Ought to Pass.

This bill corrects an ambiguity in the statutes concerning the purchase of, and the possession of handguns by aliens; the existing law permitted an alien to be licensed to carry a pistol or revolver, but denied the person the right to purchase a weapon. The ambiguity resulted from an omission in legislation enacted in 1973, as pertained to "license to sell." Vote was 9-1. Rep. Juanita E. Kashulines for Public Protection and Veterans' Affairs.

HB 74, relative to the issuance of retail sale permits by the state liquor commission. Ought to Pass.

This bill will allow the cities and towns which have zoning laws dealing with on-sale or off-sale liquor licenses to have Home Rule. At this time, Manchester and Hampton are the only municipalities affected. Committee vote 12-1. Rep. Joseph C. Flynn for Regulated Revenues.

HB 118, creating the New Hampshire national guard scholarship fund. Ought to Pass with Amendment.

This bill is an effort to increase the enlistment and re-enlistment rate in the New Hampshire National Guard; at present, the Army National Guard is 25% understrength. By offering an incentive to guards persons to improve their education, with grants of \$300.00, it is hoped that the rate of enlistment and re-ups will improve. A five-person Board will administer the New Hampshire National Guard Scholarship Fund, which will be equal to one half of the New Hampshire National Guard Armory rental fees in each fiscal year. The Board will be final authority in determining which persons shall be granted funds, and which courses shall be permitted. It is estimated that 40 persons in the National Guard will receive education grants in the Fiscal Year starting July 1, 1980. Committee vote was 10-0 on amendment. Rep. Richard E. Dolbec for Public Protection and Veterans' Affairs.

Amendment

Amend RSA 110-A:83 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

110-A:83 Revenue for Scholarship Fund. One-half of all revenue received during any fiscal year from the rental of national guard armories in this state shall be credited by the state treasurer to the New Hampshire national guard recruitment and retention scholarship fund as established herein.

Referred to Appropriations.

HB 80, relative to real estate salesmen and broker's license renewal requirements. Inexpedient to Legislate.

Education is continuing in the real estate field on a voluntary basis. The Real Estate Commission has authority to revoke or suspend licenses to remove incompetents. Accordingly, the Committee vote was 12-0. Rep. Elizabeth L. Crory for Commerce and Consumer Affairs.

HB 92, to exempt individuals offering course instruction in a trade or skill from the private school regulations. Inexpedient to Legislate.

The Committee agrees this bill is unnecessary. Testimony at the hearing indicated that the Department of Education will not exercise jurisdiction over an individual teaching a trade or skill in his home or place of business unless the student attempts to use veteran's benefits to pay for the course or the instructor makes fraudulent claims about the course. Committee vote was 18-0. Rep. Donald H. LeBrun for Education.

HB 120, relative to teaching children principles of kindness to animals. Inexpedient to Legislate.

While the intent of this bill is laudable, the Committee does not feel the Legislature should mandate that the schools include specific programs in their curriculum. Such mandates are, in fact, virtually unenforceable. Local boards have the prerogative of including programs teaching kindness to animals in their curriculum if they wish to do so. Committee vote was 18-0. Rep. Betty Jo Taffe for Education.

HB 58, repealing the current use taxation law. Inexpedient to Legislate. The Committee realizes there are amendments to the law which are needed. There is legislation pending which will cover these amendments. Vote in Committee was unanimous. Rep. Myrtle B. Rogers for Environment and Agriculture.

HB 97, establishing the crime of looting. Inexpedient to Legislate. The Committee felt that the present criminal statutes adequately protect the citizens of New Hampshire. Committee vote was 18-0. Rep. Mark H. Stokes for Judiciary.

HB 126, relative to changing the date for notifying certain teachers concerning their renomination for the next school year. Refer to the Committee on Education for Interim Study.

Due to the many and complex ramifications of this bill, the Committee vote was 19 - 0. Rep. Francis A. Dostilio for Education.

Referred to the Committee on Education for Interim Study.

COMMITTEE REPORTS (Regular Calendar)

HB 115, relative to the statutory definition of agriculture and farming. Ought to Pass with Amendment.

The bill corrects an omission from the RSA as revised last session. The amendment further defines the term "agriculture and farming." Vote was unanimous. Rep. Myrtle B. Rogers for Environment and Agriculture.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definition. Amend RSA 21:34-a (supp) as inserted by 1961, 140:1 as amended by inserting in line 9 after the word "animals" the following (, fresh water fish) so that said section as amended shall read as follows:

21:34-a Farm, Agriculture, Farming. The word "farm" shall mean any land and/or buildings or structures on or in which agriculture and farming operations are carried on and shall include the residence or residences of owners, occupants, or employees located on such land. The words "agriculture" and "farming" shall mean all operations of a farm such as the cultivation, conserving, and tillage of the soil, dairying, greenhouse operations, the production, cultivation, growing and harvesting of any agricultural, floricultural, or horticultural commodities, the raising of livestock, bees, fur-bearing animals, fresh water fish or poultry, or any practices on the farm as an incident to or in conjunction with such farming operations including, but not necessarily restricted to, the following: preparation for market, delivery to storage or to market, or to carriers for transportation to market, of any products or materials from the farm; the transportation to the farm of supplies and materials; the transportation of farm workers; forestry or lumbering operations; the marketing or selling at wholesale or retail or in any other manner any products from the farm and of other supplies that do not exceed in average yearly dollar volume the value of products from such farm.

2 Definition. Amend RSA 759:1, II-a as inserted by 1957, 283:1 by inserting in line 5 after the word "animals," the following (fresh water fish) and by striking out in line 11 the words "; the removal of sand, gravel, clay, soil or earth" so that said paragraph as amended shall read as follows:

II-a. "Agriculture and farming" shall include farming in all its branches and the

cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, floricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, fresh water fish or poultry, or any practices on the farm as an incident to or in conjunction with such farming operations, including but not necessarily restricted to the following: preparation for market, delivery to storage or to market or to carriers for transportation to market of any products or materials from the farm; the transportation to the farm of supplies and materials; the transportation of farm workers; forestry or lumbering operations.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 5, relative to the health certificates on dogs sold by breeders and the age of the dog when it is delivered to the purchaser. Ought to Pass with Amendment. Tightens inoculation law of certain canine diseases in and out of state. Puts an age limit on the dog before it can be sold. The amendment deletes four words in Section I. Vote was 17-1. Rep. Fritz T. Sabbow for Fish and Game.

Amendment

Amend RSA 466:6-a, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. No dog shall be sold in the state or out of the state by a breeder without first being inoculated against infectious canine diseases using a vaccine approved by the state veterinarian and unless accompanied by an official health certificate issued by a licensed veterinarian within 14 days. Said certificate shall be in triplicate, one copy of which shall be sent to the state veterinarian, one copy of which shall be kept by the breeder of said dog for a period of at least 3 years and one copy of which shall be given to the purchaser.

Amendment adopted.

Ordered to third reading.

HB 6, relative to the importation of dogs and cats into the state and the sale of same. Ought to Pass with Amendment.

Requires pet shops to give a health certificate with dogs or cats purchased. This is now required for animal breeders. This is consumer legislation to protect the new owner. Vote was 17-1. Rep. Fritz T. Sabbow for Fish and Game.

Amendment

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Importation and Sale of Dogs and Cats. Amend RSA 443-A by inserting after section 8 the following new subdivision:

Importation and Sale

443-A:9 Dogs and Cats.

I. No dog or cat shall be offered for sale or resale by a licensee without first being protected against infectious diseases using a vaccine approved by the state veterinarian and unless accompanied by an official health certificate issued by a licensed veterinarian within 14 days of sale. Said certificate shall be in triplicate, one copy of which shall be sent to the state veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be given to the purchaser upon resale as provided in paragraph III.

II. The original of the official health certificate accompanying the dog or cat offered for sale or resale by a licensee shall be kept on the premises where dogs and cats are displayed, and made available for inspection upon request. The public will be informed of their right to inspect the health certificate for each dog or cat by a sign prominently displayed in the area where the dog or cats are displayed. Upon sale of the dog or cat, this health certificate shall be updated by the licensee if any other medication or treatment has been given by a licensed veterinarian or the licensee to the dog or cat and be given to the purchaser in addition to any other documents which are customarily delivered to said purchaser.

III. All animal shelter facilities as defined by RSA 443-A:1-a, I, are exempt from the requirements of this subdivision relative to accepting, selling, or transferring dogs and cats.

IV. No person, firm or corporation shall ship or bring into the state of New Hampshire, to offer for sale or resale in the state of New Hampshire any cat or dog less than 8 weeks of age. No licensee shall offer for sale or resale any cat or dog less than 8 weeks of age.

V. All dogs and cats received for resale shall be held 48 hours separated from other animals on the premises before being offered for sale.

443-A:10 Importation and Sale Violation. In addition to the penalty specified in RSA 443-A:8, any person, firm or corporation may have his license for a pet shop issued pursuant to this chapter suspended or revoked by the commissioner of agriculture for violation of this subdivision.

443-A:11 Notice and Hearing. No license shall be suspended or revoked until a hearing is held before the commissioner of agriculture. Written notice of such a hearing shall be given to the licensee at least 10 days before said hearing. The notice shall be by registered mail and shall state the date, time and place of hearing and set forth the charges against the licensee. Decisions of the commissioner shall be subject to rehearing and appeal in the manner prescribed by RSA 541.

443-A:12 Examination by Licensed Veterinarian. Within 3 business days of sale, the purchaser of a dog or cat from a licensee may have the dog or cat examined by a licensed veterinarian selected by the purchaser and, unless said examination

indicates the dog or cat to be free of disease or congenital defects, the purchaser shall be entitled to substitution or, at the purchaser's option, a full refund of the purchase price of the dog or cat upon return of the dog or cat to licensee within 2 business days of said examination, accompanied by the veterinarian's certificate.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 160, prohibiting employers from giving lie detector tests to employees. Inexpedient to Legislate.

The Committee felt there had been no demonstrated abuse of polygraph testing and further that the bill was an unnecessary intrusion into the private employer's right to fully investigate prospective employees. Committee vote was 13-4. Rep. Donna P. Sytek for Judiciary.

Resolution adopted.

HB 255, relative to the police powers of the department of resources and economic development. Ought to Pass.

There is a requirement for peace officers at the 35 state parks during the tourist season, to assure tourist compliance with park regulations; the park managers are sworn in as "peace officers" for this sole purpose, to act only on state park property. They are unarmed and must call local and state police if the situation is beyond their control.

In legislation enacted in 1977, a grant of authority to the Director of the Division of Parks to appoint park managers as peace officers was inadvertently omitted; this bill seeks to correct this oversight. Committee vote was 9-0. Rep. Henry N. Roy for Public Protection and Veterans' Affairs.

Ordered to third reading.

HB 99, allowing candidates for delegate to a state convention to work at the polls as election officials. Inexpedient to Legislate.

This bill is a step backward in our election reform efforts. Committee agreed no candidate for elective office except as an election official should be working within the polls. Rep. Natalie S. Flanagan for Statutory Revision.

Rep. Flanagan moved that HB 99 be recommitted to the Committee on Statutory Revision and spoke to her motion.

Adopted.

Recommitted to the Committee on Statutory Revision.

Reps. French and Spirou moved that debate on all remaining bills be limited to 40 minutes equally divided.

Adopted.

HB 144, to permit certain qualified persons other than registered nurses to administer oral medications. Ought to Pass with Amendment.

This bill will provide for upgrading of qualification for health care personnel by an approved program by the Division of Public Health so they will be qualified to administer oral medications in state institutions. This will alleviate the existing problem at the institutions. Vote in Committee was 14-1. Rep. Roma A. Spaulding for Health and Welfare.

Rep. Butler moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, spoke to her motion and yielded to questions.

Rep. Joseph Cote spoke in favor of the motion and yielded to questions.

Reps. Daniell, Blanchette and Copenhaver spoke against the motion and yielded to questions.

Rep. James J. White spoke in favor of the motion.

Rep. Howard spoke in favor of the motion and yielded to questions.

Reps. Hildreth and Spaulding spoke against the motion.

Rep. Griffin spoke in favor of the motion.

Rep. Parr requested a roll call. Sufficiently seconded.

Rep. Freda Smith abstained from voting under Rule 16.

(Speaker presiding)

YEAS 98 NAYS 238
YEAS 98

BELKNAP: Morin.

CARROLL: Roderick Allen, Chase, Dickinson, Heath, Howard and Keller.

CHESHIRE: Callahan, Matson, Nims and Proctor.

COOS: Elmer Beaulac, Chappell, Fortier, Willey and Wiswell.

GRAFTON: Ira Allen, Buckman, Christy, LaMott, McAvoy, Seely, Snell and Walter.

HILLSBOROUGH: Ainley, Archambault, Aubut, Yvette Chagnon, Corev, Joseph Cote, Craig, Drewniak, Fisher, Gabrielle Gagnon, Sal Grasso, Hall, Head, Healy, Jamrog, Labombarde, Martineau, Mazur, Milton Mevers, Naro, Odell, Podles, Record, Sallada, Stylianos, Francis Sullivan, James Sullivan, Eliot Ware, Welch, Emma Wheeler, Kenneth Wheeler, James White and Zajdel.

MERRIMACK: Bibbo, Rodi, Milton Cate, Hill, LaBranche, Plourde, Randlett, Doris Riley, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Bisbee, Butler, Connors, Patricia Cote, Roy Davis, Ellyson, Joseph Flynn, Griffin, Jackson, Kane, Kozacka, Lovejoy, McEachern, Nelson, Parr, Peterson, Scamman, Schwaner, Splaine, Tufts, Warburton, Helen Wilson and Woodman.

STRAFFORD: Canney, Ronald Chagnon, Nadeau, Dennis Ramsev, Vaughan and Whitehead.

SULLIVAN: Lucas.

NAYS 238

BELKNAP: Beard, Birch, Bordeau, Bowler, Gary Dionne, French, Hildreth, Lawton, Matheson, Nighswander, Randall, Sabhow and Sanders.

CARROLL: Desjardins, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Crane, Jesse Davis, Daniel Eaton, Eisengrein, Ernst, Galloway, Gordon, Kohl, Ladd, Lynch, Miller, Moore, O'Connor, Margaret Ramsay, Scranton, Vrakatisis and Jean White.

COOS: Bouchard, Brungot, Burns, Guay, Bradley Haynes, Horton, Hunt, George Lemire, Oleson, Richardson and Theriault.

GRAFTON: George Gate, Chambers, Copenhaver, Crov, Foster, Michael King, Logan, Low, Lownes, Mann, McIver, Pepitone, Rounds, Taffe, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Arris, Baker, Wilfrid Boisvert, Bosse, Royer, Burkush, Carswell, Compagna, Corser, Coutermarsh, Crotty, Catherine-Ann Day, L. Penny Dion, Dolbec, Donovan, Beverly Dupont, Clyde Eaton, Joseph Eaton, Peter Flynn, Nancy Gagnon, Gelinas, Granger, Guidi, Hardy, Heald, Wendrick, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Lamy, Lefebvre, Lyons, Madigan, Martel, McCarthy, McLaughlin, Morrison, Mulligan, Fred Murray, Pappas, Aime Paradis, Peter Parady, Pastor, Pelletier, Perkins, Peters, Plomaritis, Polak, Proulx, Peter Ramsev, Reidy, Richards, Paul Riley, Roy, Silva, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Steiner, Sweeney, Vachon, Van Loan, Weaver, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Allgeyer, Ayles, Bellerose, Blakenev, Laurent Boucher, Carroll, John Gate, Clements, Colby, Daniell, Holliday, James Humphrey, Kidder, Locke, McLane, Mitchell, Nichols, O'Neill, Packard, Paire, Ralph, Selway, Shepard, Gerald Smith, Stio, Stokes, Trachy, Rick Trombly and Underwood.

ROCKINGHAM: Aeschliman, Appel, Blanchette, William Boucher, Cahill, Marilyn Campbell, Carpenito, Collins, Robert Day, Dunfey, Felch, Flanagan, Beverly Gage, Carl Gage, Gibbons, Greene, Hartford, Jones, Kashulines, Keenan, Roger King, Krasker, Landry, Laycock, LoFranco, Joseph MacDonald, Norman Myers, Newell, Newman, Pantelakos, Parolise, Pevear, Reese, Rogers, Schmidtchen, Skinner, Stickney, Stimmell, Sytek, Vartanian, Wojnowski and Wolfsen.

STRAFFORD: Burchell, DeNafio, Drew, Farnham, Gauvin, Gosselin, Charles Grassie, Dianne Herche, James Herche, Joos, Lessard, McManus, Meader, Morrisette, Pray, Preston, Matthew Riley, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Valley and Allen Wilson.

SULLIVAN: Edmund Belak, Brodeur, Burrows, David Campbell, Cutting, Sim Gray, LeBrun, Palmer, Spaulding, Townsend, Tucker, Wiggins and Williamson, and the motion lost.

Question being on the committee amendment to HB 144.

Amendment

Amend RSA 326-B:17, VII as inserted by section one of the bill by striking out same and inserting in place thereof the following:

VII. Any direct care employee of any institution under the control of the division of mental health who has been certified capable of administering oral medications by virtue of having successfully completed a training program approved by the division of public health services, department of health and welfare, from administering oral medications pursuant to the order or prescription of a licensed physician.

Amendment adopted.

Ordered to third reading.

HB 69, limiting the liability of governmental units for injury to person or damage to property or both. Majority: Inexpedient to Legislate. Minority (Rep. Donald H. Smith): Ought to Pass.

MAJORITY: The Committee felt that limiting the liability of governmental units to \$50,000 for bodily injury or property damages was not prudent. Governmental units should continue to be liable for dams, as well. Vote was 17-1. Rep. David B. Campbell for Judiciary.

MINORITY: Failure to pass this bill will result in unlimited liability of all towns for property damage in any area and for unlimited liability for any damages caused because of ownership of a dam. Rep. Donald H. Smith for the Minority of Judiciary.

Rep. Donald Smith moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Rep. David Campbell spoke against the motion.

Rep. Daniell spoke in favor of the motion.

Rep. Bosse spoke against the motion and yielded to questions.

Rep. LaMott spoke against the motion.

Rep. Daniell requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 74 NAYS 247

YEAS 74

BELKNAP: Gary Dionne, Randall and Sanders.

CARROLL: Chase.

CHESHIRE: Crane, Jesse Davis, Johnson, Moore, O'Connor and Proctor.

COOS: Bouchard, Burns, Chappell and Guav.

GRAFTON: Buckman, Clark, Foster, Low, McIver and Snell.

HILLSBOROUGH: Burkush, Corey, Corser, Donovan, Gabrielle Gagnon, Gelinas, Head, Lefebvre, Madigan, Milton Meyers, Sallada, Edward Smith, Leonard Smith, Soucy, Stylianos and Emma Wheeler.

MERRIMACK: Bellerose, Blakenev, Daniell, Epstein, Holliday, Packard, Ralph, Randlett, Shepard and Gerald Smith.

ROCKINGHAM: Bishee, Butler, Marilyn Campbell, Collins, Joseph Flynn, Greene, Jackson, Keenan, Roger King, Parr, Pevear, Schwaner, Stimmell and Warburton.

STRAFFORD: Canney, Ronald Chagnon, DeNafio, Gauvin, Lessard, Meader, Dennis Ramsev, Sackett, Donald Smith, Valley, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Brodeur.

NAYS 247

BELKNAP: Beard, Birch, Bordeaux, Bowler, French, Lawton, Matheson, Morin and Nighswander.

CARROLL: Roderick Allen, Desjardins, Dickinson, Heath, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Daniel Eaton, Eisengrein, Ernst, Galloway, Gordon, Kohl, Ladd, Lynch, Miller, Nims, Margaret Ramsay, Scranton, Vrakatisis and Jean White.

COOS: Elmer Beaulac, Brungot, Fortier, Bradley Haynes, Horton, Hunt, George Lemire, Oleson, Richardson, Theriault, Willev, Wiswell and York

GRAFTON: Ira Allen, George Cate, Christy, Crory, LaMott, Logan, Lowmes, Mann, McAvoy, Pepitone, Rounds, Seely, Taffe, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Archambault, Arris, Aubut, Bosse, Boyer, Carswell, Yvette Chagnon, Compagna, Joseph Cote, Coultermarsh, Craig, Crotty, Catherine-Ann Dav, L. Penny Dion, Dolbec, Drewniak, Beverly Dupont, Joseph Eaton, Fisher, Peter Flynn, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Hall, Hardy, Heald, Healy, Hendrick, Howard Humphrey, Thomas Hynes, Jamrog, Karnis, Keefe, Lahombarde, Lyons, Marcoux, Martel, Martineau, Mazur, McCarthy, McLaughlin, Morrison, Mulligan, Fred Murray, Odell, Pappas, Peter Parady, Pastor, Pelletier, Perkins, Peters, Plomaritis, Podles, Polak, Proulx, Peter Ramsey, Record, Reidy, Richards, Paul Riley, Roy, Silva, Steiner, Francis Sullivan, James Sullivan, Sweeney, Vachon, Van Loan, Eliot Ware, Weaver, Welch, Kenneth Wheeler, Robert Wheeler, M. Arnold Wight and Zajdel.

MERRIMACK: Allgeyer, Avles, Bibbo, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Clements, Colby, James Humphrey,

Kidder, LaBranche, Locke, McLane, Mitchell, Nichols, O'Neill, Paire, Plourde, Doris Riley, Selway, Stio, Stockman, Stokes, Trachy, Rick Trombly, Underwood, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Blanchette, William Boucher, Cahill, Carpenito, Connors, Patricia Cote, Roy Davis, Robert Day, Dunfey, Ellvson, Felch, Flanagan, Beverly Gage, Carl Gage, Gibbons, Griffin, Hartford, Jones, Kashulines, Kozacka, Landrv, Laycock, LoFranco, Lovejoy, Joseph MacDonald, McEachern, Norman Myers, Nelson, Newell, Newman, Parolise, Peterson, Reese, Rogers, Schmidtchen, Skinner, Freda Smith, Sticknev, Sytek, Tavitian, Tufts, Vartanian, Helen Wilson, Wojnowski, Wolfesen and Woodman.

STRAFFORD: Drew, Farnham, Gosselin, Charles Grassie, Dianne Herchek, James Herchek, Joos, McManus, Morrisette, Nadeau, Pray, Preston, Matthew Riley, Robinson, Schreiber, Tripp.

SULLIVAN: Edmund Belak, Burrows, David Campbell, Cutting, Sim Grav, LeBrun, Lucas, Palmer, Spaulding, Townsend, Tucker and Williamson, and the motion lost.

Question being on the adoption of the committee report.

Adopted.

Resolution adopted.

HB 132, prohibiting construction of the Hampton liquor store in the town of Hampton Falls. Majority: Inexpedient to Legislate. Minority (Rep. Edna Pearl F. Parr): Ought to Pass.

MAJORITY: Although the desires of a portion of the people in Hampton Falls were in favor of this bill it is the opinion of the majority of the Public Works Committee that it would best serve the interests of the general public of the state not to prohibit the construction of the Hampton area liquor store in Hampton Falls. Committee vote was 13-5. Rep. Guy J. Fortier for Public Works.

MINORITY: This bill should be passed because the people of Hampton Falls have strongly indicated they do not want a liquor store in their town. Rep. Edna Pearl F. Parr for the Minority of Public Works.

Rep. Bibbo moved that HB 132 be recommitted to the Committee on Public Works and spoke to his motion.

Adopted.

Recommitted to the Committee on Public Works.

HB 1, relating to the nature of supervisory unions. Ought to Pass with Amendment.

This bill covers a possible loophole in the existing law. Amendment is acceptable to sponsor. Committee vote was 17-0. Rep. Edmund M. Keefe for Education.

Amendment

Amend the bill by striking out all after

the enacting clause and inserting in place thereof the following:

1 Supervisory Unions. Amend RSA 186:11, I (supp) as amended by striking out said paragraph and inserting in place thereof the following:

1. Supervisory Unions. Combine the several school districts in the state into not more than 60 supervisory unions consisting of one or more school districts. Such supervisory unions legally organized shall be corporations, with power to sue and be sued, to hold and dispose of real and personal property for the establishment of facilities for administration and any instructional purposes, and to make necessary contracts in relation to any function of the corporation; provided, however, that such supervisory unions shall not have the power to procure land, to construct or purchase buildings, to borrow money in order to purchase real estate, or to mortgage said real estate. In forming such unions the state board shall continue the unions theretofore formed, when that is the reasonable thing to do, and shall dissolve supervisory unions and form new unions when it finds such an action promotes the best interest of the schools.

2 Effective Date. This bill shall take effect 60 days after its passage.

Rep. French moved the previous question. Sufficiently seconded. Adopted.

Amendment adopted.

Ordered to third reading.

HB 83, relative to the possession of traffic devices, signs and signals. Ought to Pass with Amendment.

Intent of bill is to diminish stealing and defacing of safety signs and devices in the interest of public safety and saving the costs of vandalism. Committee vote was 12-3. Rep. Francis E. Robinson for Judiciary.

Rep. Record spoke against the committee report.

Rep. Wilfrid Roisvert moved that HB 83 be recommitted to the Committee on Judiciary and spoke to his motion.

Rep. Bosse spoke against the motion and yielded to questions.

Motion lost.

Question being on the committee amendment to HB 83.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Possession of Traffic Signs and Signals. Amend RSA 262-A:14 as inserted by 1963, 330:1 by striking out said section and inserting in place thereof the following:

262-A:14 Interference With Traffic Devices, Signs, Signals. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, remove or possess any of the following items, or any part thereof, which have been previously installed by the department of

safety or the department of public works, or their agents:

- I. Any official control device; or
- II. Any official navigational control device; or
- III. Any railroad sign or signal; or
- IV. Any inscription, shield or insignia found on any of the above.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 71, prohibiting the firing of a firearm from or across a public highway. Ought to Pass with Amendment.

The bill as amended forbids the discharge of a firearm, from or across a Class I through Class V public highway, while hunting birds or game, to include the rights-of-way. The only exclusion to this prohibition is that paraplegics may fire a weapon while seated in a standing motor vehicle on a road or right-of-way. Committee vote was 10-0 on amendment. Rep. Richard E. Dolbec for Public Protection and Veterans' Affairs.

Amendment

Amend RSA 207:3-c as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

207:3-c Use of Firearms in or Across Highway Prohibited. No person shall discharge a firearm in pursuit of wild birds or wild animals from or across any class I through V public highways of the state including the rights of way thereof. This section shall not apply to those persons holding a special permit pursuant to RSA 207:7-a. Any person convicted of discharging a firearm under the provisions of this section shall be guilty of a violation.

Amendment adopted.

Ordered to third reading.

STATEMENT OF INTENT

Rep. Tucker, chairman of the Committee on Appropriations, gave a statement of intent on the passage of HB 255.

Mr. Speaker,

I rise to speak relative to HB 255 before its adoption on third reading so that legislative intent can be clear. The bill was referred to the Committee on Public Protection and Veterans' Affairs, and was adopted this afternoon on second reading. The bill is HB 255, relative to the police powers of the department of resources and economic development. There were some questions raised by members of the Executive Departments and Administration Committee as to whether those people, with these powers designated as peace officers, would indeed be members of group II of the retirement system and if so, should that bill be referred to the Appropriations Committee. A quick check of the definition of what constitutes a police officer under the

retirement system indicates that these officers, in that temporary capacity as a peace officer, would not fall in the definition of police officer for group II retirement benefits. In the law, further specifically excluded were the security officers at the N.H. Hospital, which indeed have greater police powers than are invested in these particular officers in the Parks Department. There is no intent on the part of the Committee on Public Protection and Veterans' Affairs to include these officers with temporary powers in group II. There is no way that they fit the definition in group II and there is no need for the Legislature to continually expressly exclude people every time we pass legislation. And, Mr. Speaker, I rise, so that it is clearly the intent of this Legislature that this bill is not to be construed in any way to expand the membership in group II of the N.H. retirement system. Thank you.

Rep. Lawton moved that Rep. Tucker's remarks be printed in the Journal.

Adopted.

SUSPENSION OF RULES

Rep. Sanders moved that the rules be so far suspended as to permit consideration at the present time of HR 6, relative to the harassment and treatment of United States citizens in Iran, without referral, public hearing and committee report, spoke to her motion and yielded to questions.

Rep. James White spoke in favor of the motion.

Rep. Crory spoke against the motion and yielded to questions.

Rep. Daniell spoke against the motion.

Reps. Low and Dickinson spoke in favor of the motion.

Rep. Peterson spoke against the motion.

Rep. Lyons spoke to the motion.

Rep. Leonard Smith requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 87 NAYS 260

YEAS 87

BELKNAP: Birch, French, Lawton, Randall, Sabhow and Sanders.

CARROLL: Dickinson, Heath, Howard, Keller, Kenneth Smith and Towle.

CHESHIRE: Ernst, Galloway, Gordon, Johnson, Ladd, Nims, O'Connor, Vrakatitsis and Jean White.

COOS: Burns and Horton.

GRAFTON: Ruckman, Christy, Clark, LaMott, Low, McAvoy, McIver, Seely, Snell, Taffe, Walter, Andrew Ware and Wood.

HILLSBOROUGH: Arris, Wilfrid Boisvert, Yvette Chagnon, Compagna, Joseph Cote, Nancy Gagnon, Granger, Labombarde, Lefebvre, Madigan, Mazur, McLaughlin, Morrison, Fred Murray, Odell, Roy, Steiner, Stylianos, Francis Sullivan, James Sullivan, Weaver, Welch, Emma Wheeler and James White.

MERRIMACK: Ayles, Bibbo, John Cate, Clements, Hill, Locke, Nichols, Shepard and Stokes.

ROCKINGHAM: Cahill, Carpenito, Ellvson, Joseph Flynn, Carl Gage, Kashulines, Roger King, Nelson, Newell, Scamman, Helen Wilson and Wolfson.

STRAFFORD: Drew and Farnham.

SULLIVAN: Cutting, D'Amante, LeBrun and Lucas.

NAYS 260

BELKNAP: Beard, Bordeaux, Bowler, Garv Dionne, Hildreth, Matheson, Morin and Nighswander.

CARROLL: Roderick Allen, Chase, Desjardins and Kenneth MacDonald.

CHESHIRE: Callahan, Crane, Jesse Davis, Daniel Eaton, Eisengrein, Kohl, Lynch, Matson, Miller, Moore, Proctor, Margaret Ramsay, William Riley and Scranton.

COOS: Elmer Beaulac, Bouchard, Brungot, Chappell, Fortier, Guay, Bradley Havnes, Hunt, George Lemire, Oleson, Richardson, Theriault, Willey, Wiswell and York.

GRAFTON: Ira Allen, George Cate, Chambers, Copenhaver, Crory, Foster, Michael King, Logan, Lownes, Mann, Pepitone, Rounds and Ward.

HILLSBOROUGH: Ainley, Archambault, Aubut, Baker, Emile Boisvert, Rosse, Bover, Burkush, Carswell, Corey, Corser, Coutermarsh, Craig, Grotty, Catherine-Ann Day, L. Penny Dion, Dolbec, Donovan, Drewiak, Beverly Dupont, Clyde Eaton, Joseph Eaton, Fisher, Peter Flynn, Gabrielle Gagnon, Gelinas, Girolimon, Sal Grasso, Guidi, Hall, Hardy, Head, Heald, Healy, Hendrick, Howard Humphrey, Thomas Hynes, Jamrog, Kaklamanos, Karnis, Keefe, Lamy, Lyons, Marcoux, Martel, Martineau, McCarthy, Milton Meyers, Mulligan, Naro, Pappas, Aime Paradis, Peter Parady, Pastor, Pelletier, Perkins, Peters, Plomaritis, Podles, Polak, Proulx, Peter Ramsey, Record, Reidy, Richards, Paul Riley, Sallada, Silva, Edward Smith, Leonard Smith, Soucy, Stahl, Sweeney, Vachon, Van Loan, Wallin, Eliot Ware, Kenneth Wheeler, Robert Wheeler, M. Arnold Wight and Zajdel.

MERRIMACK: Allgeyer, Bellerose, Blakeney, Bodi, Laurent Boucher, Carroll, Milton Cate, Colby, Daniell, Epstein, Holliday, Kidder, LaBranche, McLane, Mitchell, O'Neill, Packard, Paire, Plourde, Ralph, Randlett, Selway, Gerald Smith, Stio, Stockman, Trachy, Rick Trombly, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Bisbee, Blanchette, William Boucher, Butler, Marilyn Campbell, Collins, Connors, Patricia Cote, Roy Davis, Robert Day, Dunfey, Felch, Flanagan, Beverly Gage, Gibbons, Greene, Griffin, Hartford, Jackson, Jones, Kane, Keenan, Kozacka, Krasker, Landry, Laycock,

LoFranco, Loveiov, Joseph MacDonald, McEachern, Norman Myers, Newman, Pantelakos, Parolise, Parr, Peterson, Pevear, Reese, Rogers, Schmidtchen, Schwaner, Skinner, Freda Smith, Splaine, Stickney, Stimmell, Sytek, Tavitian, Tufts, Vartanian, Warburton, Wojnowski and Woodman.

STRAFFORD: Burchell, Canney, Ronald Chagnon, DeNafio, Gauvin, Gosselin, Charles Grassie, Dianne Herchek, James Herchek, Joos, Lessard, McManus, Meader, Morrisette, Nadeau, Prav, Preston, Dennis Ramsev, Matthew Riley, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Valley, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Edmund Belak, Brodeur, Burrows, David Campbell, Sim Gray, Palmer, Spaulding, Townsend, Tucker, Wiggins and Williamson, and the motion lost.

Rep. McManus moved that the words, Ought to be Introduced, be substituted for the report of the Committee on Resolutions and Screening, Ought not to be Introduced, on HR 5, relative to establishing special committees.

The Speaker ruled the motion out of order.

Rep. McManus appealed the decision of the chair.

Question being shall the ruling of the chair be sustained.

Rep. Plourde spoke in the affirmative.

Rep. Chase spoke in opposition.

Rep. Lyons spoke in the affirmative.

The Speaker cited Mason's Manual on the question of appeals of a ruling by the chair.

Rep. Rod Allen spoke to the ruling and yielded to questions.

Reps. Morrison and Bosse spoke in the affirmative and yielded to questions.

Reps. James J. White, LaMott and Hildreth spoke in the affirmative.

Rep. French spoke in the affirmative and yielded to questions.

Rep. Scamman spoke in opposition.

Rep. Hartford read House Rule 32(m-4).

Rep. M. Arnold Wight spoke in the affirmative and yielded to questions.

Reps. Daniell, Hall and Johnson spoke in opposition.

Reps. Peterson, Tucker, Coutermarsh and Bodi spoke in the affirmative.

Rep. Sackett moved the previous question. Sufficiently seconded. Adopted.

(Speaker presiding)

YEAS 248 NAYS 80

YEAS 248

BELKNAP: Beard, Birch, Bordeaux, Bowler, Garv Dionne, French, Hildreth, Lawton, Matheson, Morin, Randall and Sabbow.

CARROLL: Desjardins, Dickinson, Heath, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Crane, Jesse Davis, Daniel Eaton, Galloway, Gordon, Kohl, Ladd, Lynch, Matson, Moore, Nims, Margaret Ramsay and Vrakatisis.

COOS: Elmer Beaulac, Bouchard, Chappell,

Fortier, Guay, Bradley Haynes, Horton, Hunt, Oleson, Richardson, Willey and York.

GRAFTON: Ira Allen, George Cate, Chambers, Christv, Crory, Foster, LaMott, Logan, Lowmes, Mann, McAvoy, McIver, Pepitone, Rounds, Taffe, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Arris, Baker, Emile Boisvert, Wilfrid Boisvert, Rosse, Bover, Carswell, Yvette Chagnon, Corey, Corser, Joseph Cote, Coutermarsh, Craig, Crott, L. Penny Dion, Dolbec, Donovan, Drewniak, Beverly Dupont, Clyde Eaton, Peter Flynn, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Sal Grasso, Head, Heald, Healy, Hendrick, Howard Humphrey, Thomas Hynes, Jamrog, Kaklamanos, Karnis, Keefe, Lamy, Lvons, Marcoux, Martel, Martineau, McCarthy, McLaughlin, Milton Meyers, Morrison, Fred Murray, Naro, Odell, Peter Parady, Pelletier, Perkins, Peters, Podles, Polak, Record, Reidy, Richards, Paul Riley, Roy, Sallada, Leonard Smith, Soucy, Stahl, Steiner, Stylianos, Francis Sullivan, Sweeney, Van Loan, Eliot Ware, Weaver, Robert Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Clements, Colby, Epstein, Hill, Holliday, James Humphrey, Kidder, Locke, McLane, Mitchell, Nichols, O'Neill, Packard, Paire, Plourde, Ralph, Randlett, Doris Riley, Selway, Gerald Smith, Stockman, Trachy, Rick Trombly, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Bisbee, William Boucher, Butler, Cahill, Marilyn Campbell, Collins, Connors, Patricia Cote, Robert Day, Ellyson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Greene, Griffin, Hartford, Jackson, Jones, Kane, Kashulines, Keenan, Roger King, Krasker, LoFranco, Lovejoy, Joseph MacDonald, McEachern, Norman Myers, Newell, Pantelakos, Parolise, Parr, Pevear, Reese, Rogers, Schmidtchen, Schwaner, Skinner, Splaine, Stickney, Stimmell, Tavitian, Tufts, Warburton, Helen Wilson and Wolfson.

STRAFFORD: Canney, Farnham, Gauvin, Gosselin, Dianne Herche, Joos, Lessard, Meader, Nadeau, Pray, Preston, Dennis Ramsey, Donald Smith, Tripp, Valley, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Burrows, David Campbell, Cutting, Palmer, Spaulding, Townsend, Tucker, Wiggins and Williamson.

NAYS 80

BELKNAP: Sanders.

CARROLL: Roderick Allen, Chase and Towle.

CHESHIRE: Eisengrein, Ernst, Johnson, O'Connor, Proctor, William Riley and Jean White.

COOS: Brungot, Burns and George Lemire.

GRAFTON: Buckman, Clark, Copenhagen, Michael King, Low, Seely and Snell.

HILLSBOROUGH: Archambault, Aubut, Burkush, Compagna, Catherine-Ann Day, Joseph Eaton, Fisher, Granger, Hall, Hardy, Labombarde, Madigan, Mulligan, Pappas, Aime Paradis, Pastor, Plomaritis, Peter Ramsey, Silva, Edward Smith, James Sullivan, Vachon, Welch, Kenneth Wheeler and Zajdel.

MERRIMACK: Blakeney, Daniell, LaBranche, Shepard, Stokes and Underwood.

ROCKINGHAM: Blanchette, Gibbons, Kozacka, Landry, Laycock, Nelson, Newman, Peterson, Scamman, Sytek and Wojnowski.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Drew, Charles Grassie, James Herche, McManus, Morrisette, Matthew Riley, Robinson, Sackett and Schreiber.

SULLIVAN: Edmund Belak, Brodeur, D'Amante, Sim Gray and LeBrun, and the ruling of the chair was sustained.

Reps. Guidi, Lefebvre and Stio wished to be recorded in favor.

Reps. George Lemire and Zajdel notified the Clerk that they inadvertently voted nay and wished to be recorded in favor.

COMMUNICATION

George B. Roberts, Jr.
Speaker of the House

It is with much regret that I hereby render my resignation as a representative to the New Hampshire General Court.

An increasing number of personal commitments and responsibilities has made it increasingly difficult to carry out my duties as an elected representative.

Therefore, in fairness to the members of the House of Representatives and to the people of the state of New Hampshire whom I represent, I hereby request that you accept my resignation effective immediately.

Sincerely,
Rep. Margaret Lacaille

UNANIMOUS CONSENT

Reps. French and Chambers addressed the House under unanimous consent.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caution only and that all bills ordered to third reading be read a third time by this motion and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, February 27 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1, relating to the nature of supervisory unions.

HB 4, relative to confiscation of one's animal after a person is convicted of cruelty to animals.

HB 83, relative to the possession of traffic devices, signs and signals.

HB 172, relative to the compensation paid to certain probate judges.

HB 183, relative to making certain changes in the marriage laws.

HB 71, prohibiting the firing of a firearm from or across a public highway.

HB 175, eliminating the prohibition of sales of pistols and revolvers to aliens.

HB 74, relative to the issuance of retail sale permits by the state liquor commission.

HB 115, relative to the statutory definition of agriculture and farming.

HB 5, relative to the health certificates on dogs sold by breeders and the age of the dog when it is delivered to the purchaser.

HB 6, relative to the importation of dogs and cats into the state and the sale of same.

HB 144, to permit certain qualified persons other than registered nurses to administer oral medications.

HB 255, relative to the police powers of the department of resources and economic development.

Reps. French and Chambers moved that the House stand in recess from time to time for the sole purpose of introducing bills and enrolling reports and when the House adjourns, it be to meet Tuesday, February 27 at 1:00 p.m.

Adopted.

RECESS

Rep. Plourde offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bill numbered 336 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 336, repealing the Lebanon Regional Airport Authorities. (Aldrich of Grafton Dist. 14; Logan of Grafton Dist. 14; Wood of Grafton Dist. 14; Walter of Grafton Dist. 14; Foster of Grafton Dist. 14; Sen. Hough of Dist. 5 - To Transportation)

RECESS

(Rep. French in the chair)

Rep. Hildreth offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 353 through 388 and House Concurrent Resolution numbered 6 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS AND HCR First, second reading and referral

HB 353, establishing programs for displaced homemakers. (Ward of Grafton Dist. 1; Skinner of Rockingham Dist. 3A; Chambers of Grafton Dist. 13; Nemzoff-Berman of Hillsborough Dist. 18; Head of Hillsborough Dist. 10 - To Labor, Human Resources and Rehabilitation)

HB 354, providing for the submission of all proposed budget items to the voters at annual meetings. (Nighswander of Belknap Dist. 2 - To Municipal and County Government)

HB 355, relative to the student trustee in the state university system. (Lessard of Strafford Dist. 20; Gage of Rockingham Dist. 13; O'Neill of Merrimack Dist. 17 - To Education)

HB 356, requiring a fiscal impact note on legislation having a fiscal impact on a municipality or a county. (Townsend of Sullivan Dist. 1; Willey of Coos Dist. 3; Rosse of Hillsborough Dist. 1; Sen. Sanborn of Dist. 17 - To Mandated Programs and Fiscal Notes)

HB 357, increasing the legislative mileage allowance. (Parr of Rockingham Dist. 12; Pevear of Rockingham Dist. 12 - To Legislative Administration)

HB 358, making an appropriation for a permanent motor vehicle substation in the city of Rochester. (Wilson of Strafford Dist. 11 - To Transportation)

HB 359, relative to examination and education requirements for podiatrists and chiropodists. (Nardi of Hillsborough Dist. 27; Parolise of Rockingham Dist. 5 - To Commerce and Consumer Affairs)

HB 360, relative to a public utility's liability when it endangers a town's or city's water supply source. (Parr of Rockingham Dist. 12; Pevear of Rockingham Dist. 12 - To Judiciary)

HB 361, relative to prohibiting the public utilities commission from superseding local zoning ordinances resulting in possible injury to the residents. (Pevear of Rockingham Dist. 12; Parr of Rockingham Dist. 12; Flynn of Rockingham Dist. 12; Dunfee of Rockingham Dist. 12; Dickinson of Carroll Dist. 2; Sen. Preston of Dist. 23 - To Municipal and County Government)

HB 362, relative to certain licensing requirements concerning registered and practical nurses. (Daniell of Merrimack Dist. 13; Willey of Coos Dist. 3 - To Health and Welfare)

HB 363, prohibiting telephone companies from charging a toll for any call placed to another phone within the geographical boundaries of a town. (Sanders of Belknap Dist. 4; Taffe of Grafton Dist. 5 - To Science and Technology)

HB 364, relative to effective dates for laws which have a municipal fiscal impact. (French of Belknap Dist. 1 - To Mandated Programs and Fiscal Notes)

HB 365, relative to the additional highway subsidy. (White of Hillsborough Dist. 27; Bibbo of Merrimack Dist. 2 - To Public Works)

HB 366, to establish tenure for deputy sheriffs. (Howard of Carroll Dist. 1; Sen. Conley of Dist. 3 - To Municipal and County Government)

HB 367, establishing a human virus diagnostic laboratory in the division of public health services and making an appropriation therefor. (Hildreth of Belknap Dist. 6; Vrakatis of Cheshire Dist. 12 - To Executive Departments and Administration)

HB 368, affecting the responsibilities of the bureau of vital statistics and relating to blood tests required for marriage. (Smith of Carroll Dist. 3 - To Statutory Revision)

HB 369, granting a business profits tax deduction for certain sellers of rental property. (Schmidtchen of Rockingham Dist. 3 - To Ways and Means)

HB 370, providing for unemployment compensation dependency payments. (McDonough of Hillsborough Dist. 29 - To Labor, Human Resources and Rehabilitation)

HB 371, establishing a study committee to investigate the feasibility of separating the state retirement systems from the amount of social security received and making an appropriation therefor. (McDonough of Hillsborough Dist. 29 - To Appropriations)

HB 372, imposing a 5 percent tax on capital gains to replace the interest and dividends tax. (Nims of Cheshire Dist. 15 - To Ways and Means)

HB 373, concerning withdrawal of a member district from a cooperative school district. (Keefe of Hillsborough Dist. 23; Taffe of Grafton Dist. 5 - To Education)

HB 374, increasing the appropriation for school building aid for fiscal year 1979. (Taffe of Grafton Dist. 5; Beard of Belknap Dist. 5 - To Education)

HB 375, relative to the sweepstakes commission's contributions to education. (Blakeney of Merrimack Dist. 17 - To Regulated Revenues)

HB 376, making a claim for a refund of road tolls due the city of Somersworth and the towns of Antrim, Bartlett, Raymond and Troy and making an appropriation therefor. (Howard of Carroll Dist. 1; Matson of Cheshire Dist. 6 - To Appropriations)

HB 377, making an appropriation for the establishment of programs for industrial engineering technologists and computer engineering technologists. (Labombarde of Hillsborough Dist. 16 - To Science and Technology)

HB 378, relative to emergency diagnostic detention. (Howard of Carroll Dist. 1 - To State Institutions)

HB 379, relative to the recovery of educational expenses from the school district where a patient's parent or legal guardian resides. (Murray of Hillsborough Dist. 3 - To State Institutions)

HB 380, providing full credit to group I members of the New Hampshire retirement system for all service rendered after July 1, 1979. (Woodman of Rockingham Dist. 12; Valley of Strafford Dist. 20; Howard of Carroll Dist. 1 - To Executive Departments and Administration)

HB 381, amending the ski liability act. (Townsend of Sullivan Dist. 1; Dickinson of Carroll Dist. 2 - To Judiciary)

HB 382, amending the workmen's compensation law and making an appropriation therefor. (Skinner of Rockingham Dist. 3A - To Labor, Human Resources and Rehabilitation)

HB 383, relative to strip development

along highways. (Smith of Hillsborough Dist. 14; Head of Hillsborough Dist. 10; Morrison of Hillsborough Dist. 14; Corser of Hillsborough Dist. 2 - To Environment and Agriculture)

HB 384, requiring a school census biennially. (MacDonald of Rockingham Dist. 20 - To Education)

HB 385, relative to establishing an industries revolving fund within the state prison. (Granger of Hillsborough Dist. 13 - To State Institutions)

HB 386, relative to disclosure of certain "flat rate" labor charges by motor vehicles repair facilities. (Dunfey of Rockingham Dist. 12; Wallin of Hillsborough Dist. 16 - To Commerce and Consumer Affairs)

HB 387, establishing the New Hampshire crime commission. (Trachy of Merrimack Dist. 13; Townsend of Sullivan Dist. 1; Bosse of Hillsborough Dist. 1; Laycock of Rockingham Dist. 5; Russell of Cheshire Dist. 13 - To Executive Departments and Administration)

HB 388, relative to the judicial budget procedure. (Ward of Grafton Dist. 1; Roberts of Belknap Dist. 4; Spiro of Hillsborough Dist. 27; French of Belknap Dist. 1 - To Appropriations)

HCR 6, establishing a bipartisan joint committee to recodify and reindex the house, senate and joint rules adoption by the 1979 general court. (Hall of Hillsborough Dist. 12 - To Administrative Committees: Committee on Rules)

Rep. Hildreth moved that the House adjourn.

Adopted.

HOUSE JOURNAL 11

Tuesday 27Feb79

The House met at 1:00 p.m.

Prayer was offered by The House
Chaplain, Rev. William L. Quirk.

Let us Pray:

Almighty God, You have given us this
good and bountiful land as our heritage.
May we ask that we may always prove
ourselves worthy and responsible for Your
many favors.

Bless us with honorable endeavor and
sound thinking so that we may preserve Your
sacred trust to us.

Save us from violence, discord and
confusion so that we may fashion a united
people that is dedicated to justice and
peace.

In time of prosperity, fill our hearts
with a posture of thankfulness, and in a day
of trouble do not allow our trust in You to
falter.

May we not be afraid of today because we
have seen yesterday and show our love
tomorrow. Amen.

Rep. Benton led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Burrows, Hoar, Mary Cotton, Close,
Hebert, Pucci, John Winn, Fisher, Michael
Hanson, Stickney, Blake and Lessard, the
day, illness.

Reps. Willey, Eisengrein, Robert Day,
Stylianios, Rock Tremblay, Raymond Dupont,
Brack, Aldrich, Milton Cate, Richards,
Thibeault, Hartford, Moore, Flanagan, Thomas
Hynes, Splaine, M. Arnold Wight, Peter
Flynn, Kenneth Smith, Daniel Jones and
Tucker, the day, important business.

Reps. Russell and Martineau, the day,
illness in the family.

INTRODUCTION OF GUESTS

Kevin and Keith Johnston, grandchildren
of Reps. Emma and Kenneth Wheeler; Karen
Farnham, wife of Rep. Farnham; James
Carpenito, former member and son of Rep.
Carpenito.

SIX-DAY EXTENSIONS GRANTED

HCR 3, requiring action from both Houses
of the General Court on Joint Rules on or
before March 1, 1979. (Rules Committee)

The Speaker announced the appointment of
a Special Committee on State Mandated
Programs and Fiscal Notes.

I am pleased to announce to you today
that I have established a Special Committee
on State Mandated Programs and Fiscal Notes.
As I pointed out to you when I addressed
you on January 3rd, one of the greatest
faults of government lies in the almost

haphazard way one level of government passes
legislation affecting the operation and
revenues of another level. We have all been
aware for some time of the pass-through
effect of the federal government enacting
laws that mandate the states to undertake or
expand some governmental function without
any real financial impact study being done
which would indicate the resulting
additional costs to the states. This same
parallel can be drawn between the state
government and the governments of our
localities. We on the state level have, for
too long, passed unfunded legislation that
requires the localities to perform
additional governmental functions without
considering what the additional cost to the
localities will be. Consideration of these
fiscal matters should be an integral part of
the legislative process in the consideration
of enacting new laws or expanding existing
ones which the localities must execute. In
order to make rational and responsible
judgments on whether or not to pass a new
law which will cost the localities new money
we must make ourselves aware of what that
cost will be. The good government for which
we all work so hard demands consideration of
the fiscal impact on the localities of what
we do here in the legislature.

To address this need I have appointed
the Special Committee on State Mandated
Programs and Fiscal Notes. New Hampshire
now has no formal or informal mechanism for
determining local fiscal impact of proposed
state legislation or regulations. In
addition, New Hampshire, being the only
state in the U.S. that does not have a
general sales or income tax, has no pool of
revenue available for broad reimbursement to
the localities to cover the costs of state
mandated programs. The net effect of these
two elements is a trend toward rapidly
increasing property taxes.

It will be the duty of the special
committee to carefully review this problem
and recommend to the Legislature a mechanism
whereby we can, within the legislative
process, consider the fiscal impact of any
program we intend to mandate on the
localities. The attachment of a fiscal
note, that is a document indicating the
projected cost of a proposed mandated
program, to such legislation is the obvious
answer. But how do you arrive at such a
projection and how do you make the
projection accurate enough to be of value?
These are the questions facing the special
committee. In order to provide a broad base
of relevant interest on this committee I
have appointed nine members representing six
Standing Committees of the House.

The members of the special committee and
their standing policy committee assignments
are as follows:

Conrad Quimby, Chairman, - Commerce and
Consumer Affairs; Jean Wallin - Ways and
Means; Allen Wilson - Appropriations; John
Lowmes - Municipal and County Government;
Peter Flynn - State-Federal Relations;
Anthony Pepitone - Municipal and County
Government; Carl Gage - Ways and Means;
George Maglaras - Municipal and County
Government; Neil McIver - Constitutional
Revision.

I want to personally thank and publicly
acknowledge Rep. Conrad Quimby, Chairman of

the special committee, for his initiative and efforts on this matter. Conrad searched out and, with my approval, applied for and received a National Conference of State Legislatures Grant of \$5,000 which will cover the costs of staff assistance and professional advice for the special committee. I have learned that Rep. Quimby's grant proposal, written with the assistance of our LRA Office, received the highest rating given by the advisory committee which approved the grant. It was at his request that I created the special committee to undertake this project and he has indicated to me that the committee will be making its recommendations by mid-April for your consideration.

There are approximately six individual bills filed this session on State Mandated Programs and Fiscal Notes which would normally be referred to three or more different standing house policy committees for their consideration. The House Rules Committee has authorized me to refer these bills to this special committee which shall handle them under the same rules as any standing committee would. This decision by the Rules Committee will provide an overall degree of continuity to the fiscal notes issue this session which we would not have otherwise enjoyed and I commend the Rules Committee for its decision.

As the special committee undertakes its work, I want to offer them my congratulations for their initiative and my best wishes for their success in marshaling diverse fiscal and judgmental elements into a comprehensive set of recommendations for us to consider this session. Their efforts could well result in the adoption of a fiscal notes mechanism which will greatly aid us in our future consideration of state mandated programs.

Rep. Lawton moved that the Speaker's remarks be printed in the House Journal. Adopted.

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the House adopt the amendment to HB 34, and further moved that the House adopt the committee recommendation of Ought to Pass on HB's 20, 33, 35, 37, 44, 72, 78, 86, 142, 102 and 125, and further moved that the House adopt the committee recommendation of Ought to Pass with Amendment on HB 34, and further moved that the House adopt the committee recommendation of Inexpedient to Legislate on HB's 243, 46, 50 51, 52, 146, 116, 224 and CACR 5.

HB 46 was removed from the Consent Calendar at the request of Rep. Warburton.

HB 34 was removed from the Consent Calendar at the request of Rep. Scamman.

HB 116 was removed from the Consent Calendar at the request of Rep. Robinson. Adopted.

HB 20, providing a fee for the issuance of a duplicate certificate of hunting competency. Ought to Pass.

Housekeeping bill that enables the Fish and Game Department to recoup the expense loss of issuing a new license.

Committee vote was 19-0. Rep. John H. Stimmell for Fish and Game.

HB 33, repealing the special provision for agents' fee for clam licenses. Ought to Pass.

This bill brings the agents' fee for clam licenses in line with agents' fees for all other hunting and fishing licenses. Vote was 18-0. Rep. Franklin G. Wolfson for Fish and Game.

HB 35, relative to the penalty in taking deer during the closed season. Ought to Pass.

The bill changes the penalty from a violation to a misdemeanor. Committee vote was 17-0. Rep. John H. Stimmell for Fish and Game.

HB 37, relative to the satisfactory proof of completion of a hunter safety course. Ought to Pass.

Enables people who have had previous hunting licenses in this state, other states, provinces or countries to obtain a license without proof of hunter safety instruction. Vote in Committee was unanimous (18-0). Rep. John H. Stimmell for Fish and Game.

HB 44, prohibiting the taking of otter in any manner except by trapping. Ought to Pass.

Eliminates the shooting of otters. Vote was 19-0. Rep. Fritz T. Sabbow for Fish and Game.

HB 72, relative to minors using muzzle loading firearms. Ought to Pass.

This brings the laws of minors using muzzle loading firearms into line with the use of regular firearms. Committee vote was 18-0. Rep. Hannah C. Clements for Fish and Game.

HB 78, relative to the penalty for taking striped bass illegally. Ought to Pass.

This law puts a minimum size limit on taking of striped bass and prohibits netting of same. Committee vote 18-0. Rep. Franklin G. Wolfson for Fish and Game.

HB 86, relative to the penalty for taking excessive quantities of oysters. Ought to Pass.

Stiffens penalty for taking excessive quantities of oysters. Committee vote was 18-0. Rep. Franklin G. Wolfson for Fish and Game.

HB 142, relative to changing the calendar for zoning ordinances to allow for all hearings and public input as now but allowing more time between the time of preparation of the ballot with zoning questions and the time of voting. Ought to Pass.

Testimony indicated that if the final hearing on changes to the zoning ordinances were held at the last possible date allowed by law there is not sufficient time to prepare the official ballots for absentee voting and

to prepare the town reports. Rep. Roger C. King for Municipal and County Government.

HB 102, repealing the \$100,000 property holding limitation of the New Hampshire Antiquarian Society. Ought to Pass. Housekeeping measure. Internal Revenue Service now supervises nonprofit organizations. Unanimous vote. Rep. Kenneth A. Randall for Statutory Revision.

HB 125, to revise the limitations on waiving competitive bids. Ought to Pass. House Bill 125 was requested by Comptroller, Division of Purchase and Property on recommendation of audit division. Necessary because of inflation. Unanimous vote. Rep. Robert A. Vaughan for Statutory Revision.

HB 243, reorganizing the administrative committee of the district and municipal courts to a district court commission. Inexpedient to Legislate.

Sponsor and administrative committee for whom bill was sponsored requested the bill be inexpedient. Vote was unanimous. Rep. Joseph M. Eaton for Constitutional Revision.

HB 50, relative to the trapping license fees for residents under 16 years of age. Inexpedient to Legislate.

Committee felt bill was unfair to the younger trappers. Committee vote was 17-1. Rep. Fritz T. Sabbow for Fish and Game.

HB 51, prohibiting the setting of traps for beavers on beaver dams. Inexpedient to Legislate.

No one can define beaver dam in the state laws in regard to setting traps. Committee vote was 19-0. Rep. Fritz T. Sabbow for Fish and Game.

HB 52, relative to the otter season. Inexpedient to Legislate.

Testimony presented showed that the population of otter had been stable over the past few years so there is no need for this bill. Committee vote was 18-0. Rep. Fritz T. Sabbow for Fish and Game.

HB 146, relative to legislative mileage computations. Inexpedient to Legislate.

Sponsor requested the bill be inexpedient to legislate. Committee heard all testimony, none favoring the bill. Unanimous vote. Rep. John F. Jamrog for Legislative Administration.

HB 224, restricting the horsepower of motors on boats used on Otter pond. Inexpedient to Legislate.

Inexpedient to legislate at the request of the sponsor. Vote was 17-0. Rep. Philip C. Heald, Jr. for Resources, Recreation and Development.

CACR 5, relating to recall of elected officials. Providing that any elective officer, except judicial officers, shall be subject to recall by the voters.

Inexpedient to Legislate.

The intent of the bill is to provide the voters with some recourse when elected officials are found to be unfit for office. After due consideration, the sponsor agreed there are more pressing constitutional questions for voters to consider, and moved inexpedient to legislate. Unanimous vote. Rep. Stuart V. Nims for Constitutional Revision.

Rep. French moved that debate on all bills be limited to one-half hour equally divided.

Adopted.

COMMITTEE REPORTS (Regular Calendar)

CACR 6, relating to the right to bear arms. Providing that all persons have the right to bear arms in defense of self, family, property and the state. Majority: Inexpedient to Legislate. Minority (Rep. George I. Wiggins): Ought to Pass.

MAJORITY: A question of similar subject matter was on the ballot in the last election. The citizens of New Hampshire are now well-protected by the federal constitution and the Committee sees no threat to its right to bear arms. Rep. Barbara Underwood for Constitutional Revision.

MINORITY: It was the feeling of the minority that this resolution should come before the voters without confusing amendments. Rep. George I. Wiggins for Constitutional Revision.

Rep. Wiggins moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Underwood spoke against the motion.

Rep. Dickinson spoke in favor of the motion and yielded to questions.

Reps. Morrison and Matson spoke against the motion.

Rep. Joseph Cote spoke in favor of the motion.

Rep. Warburton spoke in favor of the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YFAS 169 NAYS 145
YEAS 169

BELKNAP: Birch, Lawton, Mansfield, Morin, Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson, Heath, Howard, Keller and Towle.

CHESHIRE: Crane, Daniel Eaton, Galloway, Gordon, Ladd, Miller, Nims, O'Connor, Vrakatisis and Jean White.

COOS: Elmer Beaulac, Burns, Chappell, Fortier, Horton and Wiswell.

GRAFTON: Ira Allen, Buckman, George Cate, Christy, Clark, Dearborn, Low, Lownes, McAvoy, McIver, Rounds, Snell, Taffe, Thomson and Andrew Ware.

HILLSBOROUGH: Ainley, Aubut, Baker, Emile Boisvert, Bosse, Burkush, Carswell, Yvette Chagnon, Compagna, Joseph Cote, Donovan, Drewniak, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Sal Grasso, Head, Heald, Healy, Howard Humphrey, Karnis, Labombarde, Armand Lemire, Lyons, Madigan, Martel, Mazur, McCarthy, McLaughlin, Fred Murray, Odell, Aime Paradis, Perkins, Polak, David Ramsay, Peter Ramsey, Record, Paul Riley, Sallada, Edward Smith, Stahl, Steiner, Francis Sullivan, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler, James White, Cecelia Winn and Zajdel.

MERRIMACK: Allgeyer, Avles, Bellerose, Bibbo, Bodi, John Cate, Clements, Hill, James Humphrey, Kidder, Locke, Nichols, Paire, Ralph, Randlett, Doris Riley, Shepard, Stio, Stockman, Rick Trombly, Waters and Wiviott.

ROCKINGHAM: Renton, Butler, Carpenito, Connors, Roy Davis, Ellyson, Beverly Gage, Gibbons, Kashulines, Roger King, Landry, LoFranco, Lovejoy, McEachern, Newell, Pantalakos, Parolise, Parr, Peterson, Pevear, Scamman, Schwaner, Freda Smith, Stimmell, Sytek, Tavitian, Tufts, Vlack, Warburton, Helen Wilson, Wolfsen and Woodman.

STRAFFORD: Farnham, Gosselin, Maglaras, Meader, Nadeau, Pray, Preston, Dennis Ramsey, Tripp and Vaughan.

SULLIVAN: Edmund Belak, Cutting, D'Amante, Domini, LeBrun, Palmer and Wiggins.

NAYS 145

BELKNAP: Beard, Bordeaux, Bowler, Gary Dionne, French, Matheson and Nighswander.

CARROLL: Kenneth MacDonald.

CHESHIRE: Baybutt, Jesse Davis, Kohl, Lynch, Matson, Proctor, Margaret Ramsay, William Riley and Scranton.

COOS: Brungot, Guav, Bradley Haynes, Hunt, Oleson, Richardson and Theriault.

GRAFTON: Chambers, Copenhaver, Crory, Foster, Michael King, LaMott, Logan, Mann, Seely, Ward and Wood.

HILLSBOROUGH: Archambault, Wilfrid Boisvert, Corey, Craig, Catherine-Ann Day, L. Penny Dion, Beverly Dupont, Joseph Eaton, Girolimon, Guidi, Hall, Hardy, Hendrick, Jamrog, Kalamanos, Keefe, Lamv, Lefebvre, Roland Lemire, Milton Mevers, Mulligan, Nardi, Naro, Nemzoff-Berman, Pappas, Pastor, Peters, Plomaritis, Proulx, Reidy, Roy, Silva, Leonard Smith, Soucy, Vachon, Van Loan, Wallin, Welch and Robert Wheeler.

MERRIMACK: Blakeney, Laurent Boucher, Carroll, Colby, Daniell, Epstein, LaBranche, McLane, Mitchell, O'Neill, Packard, Rice, Selway, Gerald Smith, Stokes, Trachy, Underwood and Ernest Valliere.

ROCKINGHAM: Aeschliman, Appel, William Boucher, Marilyn Campbell, Collins, Patricia Cote, Dunfey, Felch, Joseph Flynn, Carl Gage, Gould, Greene, Griffin, Jackson, Kane,

Keenan, Kozacka, Krasker, Laycock, Leslie, Joseph MacDonald, Norman Myers, Newman, Quimby, Reese, Rogers, Schmidtchen, Skinner and Woinowski.

STRAFFORD: Burchell, Canney, Ronald Chagnon, Denafio, Drew, Gauvin, Charles Grassie, Dianne Hercheck, Joos, McManus, Pine, Robinson, Sackett, Schreiber, Donald Smith, Valley, Whitehead and Allen Wilson.

SULLIVAN: Brodeur, David Campbell, Sim Gray, Spanos, Spaulding and Townsend, and the motion was adopted.

Rep. Podles wished to be recorded in favor of the substitute motion, Ought to Pass.

Rep. Bosse moved that CACR 6 be laid upon the table.

On a voice vote the Speaker was in doubt and requested a division.

157 members having answered in the affirmative and 162 in the negative, the motion lost.

Rep. Chambers moved that CACR 6 be Indefinitely Postponed.

The Speaker ruled the motion out of order.

Question being on the substituted motion, Ought to Pass. A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 164 NAYS 157

YEAS 164

BELKNAP: Birch, Lawton, Mansfield, Morin, Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Chase, Dickinson, Heath, Howard, Keller and Towle.

CHESHIRE: Crane, Daniel Eaton, Galloway, Gordon, Ladd, Miller, Nims, O'Connor, Vrakatisis and Jean White.

COOS: Elmer Beaulac, Burns, Chappell, Fortier, Horton, Richardson and Wiswell.

GRAFTON: Ira Allen, Buckman, George Cate, Christy, Clark, Dearborn, Low, Lowmes, McAvoy, McIver, Rounds, Snell, Taffe, Thomson, Walter and Andrew Ware.

HILLSBOROUGH: Aubut, Baker, Emile Boisvert, Bosse, Burkush, Carswell, Yvette Chagnon, Compagna, Joseph Cote, Coutermarsh, Craig, Donovan, Drewniak, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Sal Grasso, Head, Heald, Healy, Howard Humphrey, Karnis, Labombarde, Armand Lemire, Lyons, Madigan, Martel, Mazur, McCarthy, McLaughlin, Fred Murray, Odell, Aime Paradis, Perkins, Podles, Polak, Record, Paul Riley, Sallada, Edward Smith, Steiner, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler, James White, Cecelia Winn and Zajdel.

MERRIMACK: Allgeyer, Ayles, Bellerose, Bibbo, Bodi, John Cate, Clements, Hill, James Humphrey, Kidder, Locke, Nichols, Paire, Plourde, Randlett, Doris Riley, Shepard, Stockman, Rick Trombly and Waters.

ROCKINGHAM: Benton, Carpenito, Connors, Roy Davis, Ellyson, Joseph Flynn, Beverly Gage, Gibbons, Kashulines, Roger King, Landry, LoFranco, Lovejoy, Newell, Pantelakos, Parolise, Parr, Peterson, Pevear, Scamman, Schwaner, Freda Smith, Sytek, Tavitian, Vlack, Warburton, Helen Wilson, Wolfsen and Woodman.

STRAFFORD: Ronald Chagnon, Farnham, Gosselin, Maglaras, Meader, Nadeau, Pray, Preston, Dennis Ramsey and Vaughan.

SULLIVAN: Edmund Belak, Cutting, D'Amante, Domini, LeBrun, Palmer, Wiggins and Williamson.

NAYS 157

BELKNAP: Beard, Bordeaux, Bowler, Gary Dionne, French, Matheson and Nighswander.

CARROLL: Desjardins, Kenneth MacDonald.

CHESHIRE: Baybutt, Crane, Jesse Davis, Kohl, Lynch, Matson, Proctor, Margaret Ramsay, William Riley and Scranton.

COOS: Brungot, Guav, Bradley Haynes, Hunt, Oleson and Theriault.

GRAFTON: Chambers, Copenhaver, Crory, Foster, Michael King, LaMott, Logan, Mann, Seely, Ward and Wood.

HILLSBOROUGH: Ainley, Archambault, Wilfrid Boisvert, Corey, Catherine-Ann Day, L. Penny Dion, Beverly Dupont, Joseph Eaton, Girolimon, Guidi, Hall, Hardy, Hendrick, Jamrog, Kaklamanos, Keefe, Lamy, Lefebvre, Roland Lemire, Milton Meyers, Morrison, Mulligan, Naro, Nemzoff-Berman, Pappas, Pastor, Peters, Plomaritis, Proulx, David Ramsay, Peter Ramsey, Reidy, Roy, Silva, Leonard Smith, Soucy, Stahl, Francis Sullivan, James Sullivan, Vachon, Van Loan, Wallin, Welch and Robert Wheeler.

MERRIMACK: Blakeney, Laurent Boucher, Carroll, Colby, Daniell, Epstein, LaBranche, McLane, Mitchell, O'Neill, Packard, Ralph, Rice, Selway, Gerald Smith, Stio, Stokes, Trachy, Underwood, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Appel, William Boucher, Butler, Marilyn Campbell, Collins, Patricia Cote, Dunfey, Felch, Carl Gage, Gould, Greene, Griffin, Jackson, Kane, Keenan, Kozacka, Krasker, Laycock, Leslie, Joseph MacDonald, McEachern, Norman Myers, Newman, Quimby, Reese, Rogers, Schmidtchen, Skinner, Stimmell, Tufts and Wojnowski.

STRAFFORD: Burchell, Canney, DeNafio, Drew, Gauvin, Charles Grassie, Dianne Herche, Joos, McManus, Morrisette, Pine, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Valley, Whitehead and Allen Wilson.

SULLIVAN: Brodeur, David Campbell, Sim Gray, Spanos, Spaulding and Townsend, and the motion lost lacking the necessary three-fifths.

Rep. French moved that CACR 6 be Indefinitely Postponed.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 161 NAYS 160
YEAS 161

BELKNAP: Beard, Bordeaux, Bowler, Gary Dionne, French, Matheson and Nighswander.

CARROLL: Desjardins and Kenneth MacDonald.

CHESHIRE: Baybutt, Crane, Jesse Davis, Kohl, Lvnch, Matson, Proctor, Margaret Ramsay, William Riley and Scranton.

COOS: Brungot, Guav, Bradley Haynes, Oleson, Richardson, Theriault and Wiswell.

GRAFTON: Chambers, Copenhaver, Crory, Foster, Michael King, LaMott, Logan, Mann, Seely, Ward and Wood.

HILLSBOROUGH: Ainley, Wilfrid Boisvert, Corey, Catherine-Ann Day, L. Penny Dion, Beverly Dupont, Joseph Eaton, Girolimon, Guidi, Hall, Hardy, Hendrick, Jamrog, Kaklamanos, Keefe, Lamy, Lefebvre, Roland Lemire, McCarthv, Milton Meyers, Morrison, Mulligan, Nardi, Naro, Nemzoff-Berman, Pappas, Pastor, Peters, Plomaritis, Proulx, David Ramsay, Peter Ramsey, Reidy, Roy, Leonard Smith, Soucy, Stahl, James Sullivan, Vachon, Van Loan, Wallin, Welch and Robert Wheeler.

MERRIMACK: Blakeney, Bodi, Laurent Boucher, Carroll, Colby, Daniell, Epstein, LaBranche, McLane, Mitchell, O'Neill, Packard, Paire, Ralph, Rice, Selway, Gerald Smith, Stio, Stokes, Trachy, Underwood, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Appel, William Boucher, Marilyn Campbell, Patricia Cote, Dunfey, Felch, Carl Gage, Gould, Greene, Griffin, Jackson, Kane, Kashulines, Keenan, Kozacka, Krasker, Laycock, Leslie, LoFranco, Lovejoy, Joseph MacDonald, Norman Myers, Newman, Quimby, Reese, Rogers, Schmidtchen, Skinner, Stimmell, Helen Wilson and Wojnowski.

STRAFFORD: Burchell, Canney, DeNafio, Drew, Gauvin, Charles Grassie, Dianne Herche, Joos, McManus, Morrisette, Pine, Robinson, Sackett, Schreiber, Donald Smith, Vallev, Whitehead and Allen Wilson.

SULLIVAN: Brodeur, David Campbell, Sim Gray, Palmer, Spanos, Spaulding, Townsend and Williamson.

NAYS 160

BELKNAP: Birch, Lawton, Mansfield, Morin, Randall, Sabhow and Sanders.

CARROLL: Roderick Allen, Chase, Dickinson, Heath, Howard, Keller and Towle.

CHESHIRE: Daniel Eaton, Galloway, Gordon, Ladd, Miller, Nims, O'Connor, Vrakatitsis and Jean White.

COOS: Elmer Beaulac, Burns, Chappell, Fortier, Horton and Hunt.

GRAFTON: Ira Allen, Buckman, George Cate, Christy, Clark, Dearborn, Low, Lowmes, McAvoy, McIver, Rounds, Snell, Taffe, Thomson, Walter and Andrew Ware.

HILLSBOROUGH: Archambault, Aubut, Baker, Emile Boisvert, Bosse, Burkush, Carswell, Yvette Chagnon, Joseph Cote, Coutermarsh, Craig, Donovan, Drewniak, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Sal Grasso, Head, Heald, Healy, Howard Humphrey, Karnis, Labombarde, Armand Lemire, Lyons, Madigan, Martel, Mazur, McLaughlin, Fred Murray, Odell, Aime Paradis, Perkins, Podles, Polak, Record, Paul Riley, Sallada, Silva, Edward Smith, Steiner, Francis Sullivan, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler, James White, Cecilia Winn and Zajdel.

MERRIMACK: Allgeyer, Ayles, Bellerose, Bibbo, John Cate, Clements, Hill, James Humphrey, Kidder, Locke, Nichols, Plourde, Randlett, Doris Riley, Shepard, Stockman, Rick Trombly and Waters.

ROCKINGHAM: Benton, Butler, Carpenito, Collins, Connors, Roy Davis, Elyson, Joseph Flynn, Beverly Gage, Gibbons, Roger King, Landry, McEachern, Newell, Pantelakos, Parolise, Parr, Peterson, Pevear, Scamman, Schwaner, Freda Smith, Sytek, Tavitian, Tufts, Vlack, Warburton, Wolfen and Woodman.

STRAFFORD: Ronald Chagnon, Farnham, Gosselin, Maglaras, Meader, Nadeau, Pray, Preston, Dennis Ramsey, Tripp and Vaughan.

SULLIVAN: Edmund Belak, Cutting, D'Amante, Domini, LeBrun and Wiggins, and CACR 6 was Indefinitely Postponed.

Rep. Collins notified the Clerk that he inadvertently voted yea and wished to be recorded against Indefinite Postponement.

HB 25, relative to the taking of deer with a bow and arrow. Inexpedient to Legislate.

Bill was poorly written and bill will be redrafted by the Senate. Committee vote 13-5. Rep. John H. Stimmell for Fish and Game.

Rep. Belak moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Stimmell spoke against the motion.

Rep. Felch spoke against the motion and yielded to questions.

Motion lost.
Question being on the committee report.
Resolution adopted.

HB 39, relative to the license fees for certain dogs. Majority: Ought to Pass. Minority (Reps. Heath, Felch, Polak, G. Smith, E. Beaulac): Inexpedient to Legislate.

MAJORITY: Majority feels the increase of license fee was needed to assist cities and towns with better animal control. Also, the differential in price will help owners to have their animals spayed or neutered. Majority vote 10-8. Rep. Fritz T. Sabbow for Fish and Game.

MINORITY: The Minority believes increase of fee is punitive to the responsible dog owner while it does nothing to realistically curb the dog problems caused by unregistered dogs and dogs running at large. Reps. Heath, Felch, Polak, G. Smith, E. Beaulac for Fish and Game.

Rep. Polak moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass, and spoke to his motion.

Reps. Wiggins and Stimmell spoke against the motion and yielded to questions.

Reps. Dickinson, Woodman, Heath and Felch spoke in favor of the motion.

Rep. Sabbow spoke against the motion.

Rep. David Campbell spoke in favor of the motion and yielded to questions.

Rep. Felch requested a roll call.
Sufficiently seconded.

(Speaker presiding)

YEAS 245 NAYS 67

YEAS 245

BELKNAP: Beard, Bordeau, Bowler, Garv Dionne, French, Hildreth, Mansfield, Matheson, Morin, Nighswander, Randall and Sanders.

CARROLL: Chase, Desjardins, Dickinson, Heath, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Bayhutt, Callahan, Crane, Jesse Davis, Daniel Eaton, Galloway, Ladd, Lvnch, Miller, Nims, O'Connor, Proctor, Margaret Ramsay, William Rilev, Scranton and Vrakatitsis.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Chappell, Guay, Bradley Haynes, Horton, George Lemire, Richardson, Theriault, Alcide Valliere and York.

GRAFTON: Ira Allen, Buckman, Chambers, Christy, Clark, Copenhaver, Crory, Dearborn, LaMott, Logan, Low, Lowmes, McAvoy, Pepitone, Seely, Snell, Taffe, Thomson, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Archambault, Emile Boisvert, Rover, Burkush, Carswell, Yvette Chagnon, Compagna, Corey, Joseph Cote, Craig, Crotty, Drewniak, Beverly Dupont, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Guidi, Hardy, Heald, Healy, Hendrick, Howard Humphrey, Jamrog, Kaklamanos, Karnis, Keefe, Labombarde, Lefebvre, Roland Lemire, Lyons, Martel, McCarthy, McLaughlin, Mulligan, Naro, Odell, Pappas, Aime Paradis, Pastor, Perkins, Plomaritis, Podles, Polak, Proulx, Peter Ramsey, Record, Reidy, Paul Riley, Roy, Edward Smith, Leonard Smith, Spirou, Steiner, Francis Sullivan, Vachon, Van Loan, Wallace, Weaver, Welch, Emma Wheeler, Robert Wheeler, James White and Cecelia Winn.

MERRIMACK: Allgeyer, Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, John Cate, Colby, Hill, James Humphrey, Kidder, LaBranche, Locke, Mitchell, Nichols, O'Neill, Randlett, Doris Riley, Selway,

Shepard, Gerald Smith, Stio, Stockman, Trachy, Rick Trombly, Underwood, Ernest Valliere and Wiviott.

ROCKINGHAM: Appel, Benton, William Boucher, Butler, Marilyn Campbell, Carpenito, Collins, Patricia Cote, Roy Davis, Dunfey, Ellyson, Felch, Joseph Flynn, Beverly Gage, Greene, Griffin, Jackson, Kashulines, Keenan, Roger King, Kozacka, Krasker, Landry, Lavcock, Leslie, LoFranco, Loveioy, McEachern, Newman, Pantelakos, Parolise, Parr, Peterson, Pevear, Quimbv, Reese, Rogers, Scamman, Schmidtchen, Schwaner, Skinner, Freda Smith, Sytek, Tavitian, Tufts, Vlack, Warburton, Wolfson and Woodman.

STRAFFORD: Burchell, Canney, Drew, Farnham, Gauvin, Dianne Herchek, Joos, Maglaras, Morrisette, Nadeau, Pray, Preston, Dennis Ramsey, Schreiber, Donald Smith, Tripp, Valley, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Brodeur, David Campbell, Cutting, D'Amante, Sim Gray, LeBrun, Lucas, Spanos, Spaulding and Williamson.

NAYS 67

BELKNAP: Birch, Lawton and Sabbow.

CARROLL: Roderick Allen.

CHESHIRE: Gordon, Kohl, Matson and Jean White.

COOS: Fortier, Hunt and Wiswell.

GRAFTON: George Cate, Foster, Michael King, Mann, McIver and Rounds.

HILLSBOROUGH: Aubut, Bosse, Corser, Catherine-Ann Day, L. Penny Dion, Donovan, Joseph Eaton, Head, Mazur, Morrison, Fred Murray, Nemzoff-Berman, Peter Parady, Peters, Sallada, Silva, Soucy, James Sullivan, Wallin, Eliot Ware, Kenneth Wheeler and Zajdel.

MERRIMACK: Blakeney, Clements, Daniell, Packard, Paire, Rice, Stokes and Waters.

ROCKINGHAM: Aeschliman, Connors, Carl Gage, Gibbons, Gould, Kane, Joseph MacDonald, Norman Myers, Newell and Stimmell.

STRAFFORD: Ronald Chagnon, DeNafio, Charles Grassie, Meader, Robinson and Sackett.

SULLIVAN: Edmund Belak, Domini, Palmer and Wiggins, and the motion was adopted.

Question being on the substituted committee report, Inexpedient to Legislate. Resolution adopted.

HB 45, relative to the hunting season for black bear. Majority: Inexpedient to Legislate. Minority (Reps. E. Belak, Jr.; Chagnon; Clements; E. Beaulac; Theriault; Crane; Wolfson): Ought to Pass with Amendment.

MAJORITY: The Fish and Game Committee felt a possible decrease in license fees if hunters were unable to hunt deer and bear during the deer season. Rep. Fritz T. Sabbow for Fish and Game.

MINORITY: Minority feels that to protect the bear population and to prevent illegal taking of more than one deer, the bear season should be closed during the deer season in all counties but Carroll, Coos and Grafton. In 1978, 241 bear were killed during the open season; 44 in Carroll, 96 in Coos and 94 in Grafton. Only six other bear were reported killed statewide. Reps. Belak, Chagnon, Clements, E. Beaulac, Theriault, Crane and Wolfson for Fish and Game.

Rep. Belak moved that the report of the Minority, Ought to Pass with Amendment, be substituted for the report of the Majority, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Sabbow spoke in favor of the motion.

Reps. Felch and Stimmell spoke against the motion and yielded to questions.

Rep. Belak requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 158 NAYS 154

YFAS 158

BELKNAP: Birch, Bordeaux, Bowler, Garv Dionne, Hildreth, Lawton, Matheson and Sabbow.

CARROLL: Roderick Allen and Towle.

CHESHIRE: Baybutt, Crane, Jesse Davis, Daniel Eaton, Kohl, Ladd, Lynch, Matson, Miller, Nims, Proctor, Margaret Ramsay, William Riley, Scranton and Vrakatitsis.

COOS: Bouchard, Brungot, Fortier, Guay, Bradley Haynes, Theriault and Alcide Valliere.

GRAFTON: Chambers, Copenhagen, Corry, Dearborn, LaMott, Logan, Low, McIver, Snell, Walter and Wood.

HILLSBOROUGH: Ainley, Archambault, Wilfrid Boisvert, Boyer, Yvette Chagnon, Corser, Catherine-Ann Day, L. Penny Dion, Donovan, Beverly Dupont, Nancy Gagnon, Girolimon, Guidi, Hardy, Head, Heald, Hendrick, Labombard, Lefebvre, Armand Lemire, Roland Lemire, Martel, McLaughlin, Milton Meyers, Morrison, Mulligan, Nemzoff-Berman, Pappas, Pastor, Plomaritis, Podles, Proulx, David Ramsay, Peter Ramsey, Edward Smith, Leonard Smith, Spirou, Stahl, Francis Sullivan, Vachon, Wallace, Weaver, Kenneth Wheeler, Robert Wheeler, James White, Cecelia Winn and Zajdel.

MERRIMACK: Allgever, Bellerose, Blakeney, Rodi, Carroll, Clements, Daniell, Epstein, LaBranche, Locke, O'Neill, Paire, Ralph, Randlett, Rice, Selway, Stio, Stokes, Trachy, Underwood, Waters and Wiviott.

ROCKINGHAM: Appel, Butler, Carpenito, Connors, Dunfey, Ellyson, Carl Gage, Gould, Greene, Jackson, Kane, Keenan, Leslie, LoFranco, Joseph MacDonald, Pevear, Reese, Vlack and Wojnowski.

STRAFFORD: Burchell, Cannev, Ronald Chagnon, DeNafio, Farnham, Gauvin, Charles Grassie, Joos, Morrisette, Preston, Robinson, Schreiber, Tripp, Valley, Whitehead and Allen Wilson.

SULLIVAN: Edmund Belak, David Campbell, D'Amante, Domini, Sim Gray, LeBrun, Lucas, Spanos, Townsend, Wiggins and Williamson.

Nays 154

BELKNAP: Beard, French, Mansfield, Nighswander, Randall and Sanders.

CARROLL: Chase, Desjardins, Dickinson, Heath, Howard, Keller and Kenneth MacDonald.

CHESHIRE: Callahan, Galloway, Gordon, O'Connor and Jean White.

COOS: Elmer Beaulac, Burns, Chappell, Horton, Hunt, George Lemire, Oleson, Richardson, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Christy, Foster, Lownes, Mann, McAvoy, Pepitone, Rounds, Seely, Taffe, Thomson, Ward and Andrew Ware.

HILLSBOROUGH: Aubut, Baker, Emile Boisvert, Bosse, Burkush, Carswell, Compagna, Corey, Joseph Cote, Craig, Crotty, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Gelinas, Granger, Sal Grasso, Howard Humphrey, Jamrog, Kalamanos, Karnis, Keefe, Lyons, Madigan, Mazur, McCarthy, Fred Murray, Naro, Odell, Aime Paradis, Peter Parady, Perkins, Peters, Polak, Record, Reidy, Paul Riley, Roy, Silva, Soucy, Steiner, James Sullivan, Van Loan, Eliot Ware, Welch and Emma Wheeler.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, Colby, Hill, Kidder, Mitchell, Nichols, Packard, Doris Riley, Shepard, Gerald Smith, Stockman, Rick Trombly and Ernest Valliere.

ROCKINGHAM: Aeschliman, Benton, William Boucher, Marilyn Campbell, Collins, Patricia Cote, Roy Davis, Felch, Joseph Flynn, Beverly Gage, Gibbons, Kashulines, Roger King, Kozacka, Landry, Laycock, Lovejoy, McEachern, Norman Myers, Newell, Newman, Pantelakos, Parolise, Parr, Peterson, Quimby, Rogers, Schmidtchen, Schwane, Skinner, Freda Smith, Stimmell, Sytek, Tavitian, Tufts, Warburton, Wolfson and Woodman.

STRAFFORD: Drew, Gosselin, Meader, Nadeau, Pray, Sackett and Donald Smith.

SULLIVAN: Brodeur, Cutting, Palmer and Spaulding, and the motion was adopted.

Question being on the minority amendment to HB 45.

Amendment

Amend RSA 208:22 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

208:22 Wild Black Bear. Wild black bear, outside of game preserves, may be taken and possessed from one 1/2 hours

before sunrise to 1/2 hour after sunset in all counties of the state from September 1 to and including the day before the first day of the current deer season, except in the counties of Carroll, Coos and Grafton where said bear may be taken from September 1 to the last day of the current deer season, provided that no bear shall be taken at any time on any island or in any waters or lakes or ponds. Wild black bear may be taken by the aid and use of dogs from September 1 to the day before the opening of the regular deer season with written permission of the executive director or his agents. Wild black bear may be taken by the aid and use of dogs, firearms and by bow and arrow of at least 40 pounds pull provided that no person shall take bear by the aid or use of a jack or artificial light, trap, snare, swivel, pivot or set gun or calibre .22 rimfire firearm, unless otherwise herein provided. Any person who kills a wild bear as provided by this section shall report as outlined in RSA 208:23. Landowners, or their agents, shall be permitted to set traps for bear doing actual or substantial damages to property. Such trapping shall only be permitted after the executive director or his agent has been notified of damage and has investigated such complaint. The executive director or his agents may then issue a special permit for the use of traps. Said permit shall state the location of traps and the date when trapping shall be allowed. Any traps set as hereinbefore described shall be arranged and set in accordance with RSA 210:5. The carcass of a bear legally taken and reported may be bought and sold. Live bear may not be offered for sale at any time unless by a person permitted to do so by the executive director. No person shall take more than one bear in any one season. Whoever violates any provision of this section shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

Amendment adopted.

Ordered to third reading.

HB 143, relative to verification of distance statements for legislative mileage. Inexpedient to Legislate.

Public Works does not verify mileage for any branch of government. Any member may question mileage of a member. To date no one has during this session. Unanimous vote of Committee. Rep. John F. Jamrog for Legislative Administration.

Rep. Daniell moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Benton and French spoke against the motion.

Rep. Newman spoke in favor of the motion and yielded to questions.

Reps. Parr, Wilfrid Boisvert and Plourde spoke against the motion.

Rep. Newman requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 48 NAYS 282

YEAS 48

BELKNAP: Hildreth.

CARROLL: Dickinson.

CHESHIRE: Matson, Nims, Proctor and William Riley.

COOS: Oleson and Alcide Valliere.

GRAFTON: Clark.

HILLSBOROUGH: Beverly Dupont, Girolimon, Nemzoff-Berman, Proulx, Peter Ramsey, Rov, James Sullivan, Vachon and Welch.

MERRIMACK: Bellerose, Blakenev, Daniell, Epstein, LaBranche, O'Neill, Randlett, Rice, Doris Riley and Rick Trombly.

ROCKINGHAM: Carpenito, Dunfev, Ellyson, Joseph Flynn, Carl Gage, Laycock, LoFranco, Newman, Pantelakos, Freda Smith and Warburton.

STRAFFORD: Ronald Chagnon, DeNafio, Farnham, Dennis Ramsey, Vaughan and Whitehead.

SULLIVAN: Edmund Belak, Lucas and Spanos.

NAYS 282

BELKNAP: Beard, Birch, Bordeaux, Bowler, Gary Dionne, French, Lawton, Mansfield, Matheson, Morin, Nighswander, Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Chase, Desiardins, Heath, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Crane, Jesse Davis, Daniel Eaton, Galloway, Gordon, Kohl, Ladd, Lynch, Miller, O'Connor, Margaret Ramsay, Scranton, Vrakatitsis and Jean White.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Chappell, Fortier, Guay, Bradley Haynes, Horton, Hunt, George Lemire, Richardson, Theriault, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Christy, Copenhaver, Crory, Dearborn, Foster, Michael King, LaMott, Logan, Low, Lowmes, Mann, McAvoy, McIver, Pepitone, Rounds, Seely, Snell, Taffe, Thomson, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Archambault, Aubut, Baker, Emile Boisvert, Wilfrid Boisvert, Bosse, Boyer, Burkush, Carswell, Yvette Chagnon, Compagna, Corey, Corser, Joseph Cote, Coutermarsh, Craig, Crotty, Catherine-Ann Day, L. Penny Dion, Donovan, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Sal Grasso, Guidi, Hall, Hardy, Head, Heald, Nealy, Hendrick, Howard Humphrey, Jamrog, Kaklamanos, Karnis, Keefe, Labombarde, Lefebvre, Armand Lemire, Roland Lemire, Lvons, Madigan, Martel, Mazur, McCarthy, McLaughlin, Milton Meyers, Morrison, Mulligan, Fred Murray, Naro,

Odell, Pappas, Aime Paradis, Peter Parady, Pastor, Perkins, Peters, Plomariitis, Podles, Polak, David Ramsay, Record, Reidy, Paul Riley, Sallada, Silva, Edward Smith, Leonard Smith, Soucy, Spiro, Stahl, Steiner, Francis Sullivan, Van Loan, Wallace, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White, Cecelia Winn and Zajdel.

MERRIMACK: Allgeyer, Ayles, Bibbo, Bodi, Laurent Boucher, Carroll, John Cate, Clements, Colby, Hill, James Humphrey, Kidder, Locke, McLane, Mitchell, Nichols, Packard, Paire, Plourde, Ralph, Selway, Shepard, Stio, Stockman, Stokes, Trachy, Underwood, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Blanchette, William Boucher, Butler, Marilvn Campbell, Collins, Connors, Patricia Cote, Rov Davis, Felch, Beverly Gage, Gibbons, Gould, Greene, Jackson, Kane, Kashulines, Keenan, Roger King, Kozacka, Krasker, Landrv, Leslie, Loveioy, Joseph MacDonald, McEachern, Norman Myers, Newell, Parolise, Parr, Peterson, Pevear, Quimby, Reese, Rogers, Scamman, Schmidtchen, Sytek, Tavitian, Tufts, Vlack, Wojnowski, Wolfesen and Woodman.

STRAFFORD: Burchell, Canney, Drew, Gauvin, Gosselin, Charles Grassie, Dianne Hercek, Joos, Maglaras, Meader, Morrisette, Nadeau, Pine, Pray, Preston, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Valley and Allen Wilson.

SULLIVAN: Brodeur, David Campbell, Cutting, D'Amante, Domini, Sim Gray, LeBrun, Palmer, Spaulding, Townsend, Wiggins and Williamson, and the motion lost.

Question being on the committee report, Inexpedient to Legislate.

Resolution adopted.

HB 176, relative to political contributions made by persons affected by a sunset review. Inexpedient to Legislate.

Existing RSA campaign restrictions are adequate to control this situation.

Unanimous vote. Rep. John F. Jamrog for Legislative Administration.

Resolution adopted.

House Resolution No. 4, providing daily newspapers to House members on session days. Inexpedient to Legislate.

Unanimous vote of Committee. Papers are readily available in adequate supply now in Committee rooms and offices.

Individual papers are expensive and inappropriate on the floor of the House. Rep. John F. Jamrog for Legislative Administration.

Rep. Daniell moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Townsend spoke against the motion and yielded to questions.

Reps. Vrakatitsis, Plourde and James J. White spoke against the motion.

The previous question was moved.
Sufficiently seconded. Adopted.

Rep. Parr requested a roll call.
Sufficiently seconded.

(Speaker presiding)
YEAS 47 NAYS 282
YEAS 47

BELKNAP: Morin.

CARROLL: Roderick Allen.

CHESHIRE: Galloway, Lynch, Nims, Proctor
and William Riley.

COOS: Oleson, Richardson and Alcide
Valliere.

GRAFTON: Buckman, Clark, Copenhaver,
Michael King and McIver.

HILLSBOROUGH: Boyer, Carswell, Joseph Cote,
Nancy Gagnon, Hall, Kaklamanos, Madigan,
Pappas, Perkins, Proulx, Soucy, Spirou,
Francis Sullivan and Wallace.

MERRIMACK: Daniell, Epstein, Ralph and
Shepard.

ROCKINGHAM: Collins, Connors, Dunfey,
Kraser, Laycock, Leslie, McEachern and
Peterson.

STRAFFORD: Ronald Chagnon, Drew, Dianne
Herchek, Morrisette and Tripp.

SULLIVAN: Brodeur.

NAYS 282

BELKNAP: Beard, Birch, Bordeau, Bowler,
Gary Dionne, French, Hildreth, Lawton,
Mansfield, Matheson, Nighswander, Randall,
Sabbow and Sanders.

CARROLL: Chase, Desjardins, Heath, Howard,
Keller, Kenneth MacDonald, Kenneth Smith and
Towle.

CHESHIRE: Baybutt, Callahan, Crane, Jesse
Davis, Daniel Eaton, Gordon, Kohl, Ladd,
Matson, Miller, O'Connor, Margaret Ramsay,
Scranton, Vrakatis and Jean White.

COOS: Elmer Beaulac, Bouchard, Brungot,
Burns, Chappell, Fortier, Guay, Bradley
Haynes, Horton, Hunt, George Lemire,
Theriault, Wiswell and York.

GRAFTON: Ira Allen, George Cate, Chambers,
Christy, Crory, Dearborn, Foster, LaMott,
Logan, Low, Lowmes, Mann, McAvoy, Pepitone,
Rounds, Seely, Snell, Taffe, Thomson,
Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Archambault, Aubut, Baker,
Emile Boisvert, Wilfrid Boisvert, Bosse,
Burkush, Yvette Chagnon, Compagna, Corey,
Corser, Coutermarsh, Craig, Crotty,
Catherine-Ann Dav, L. Penny Dion, Donovan,
Drewniak, Beverly Dupont, Clyde Eaton,
Joseph Eaton, Gabrielle Gagnon, Gelinas,
Girolimon, Granger, Sal Grasso, Guidi,
Hardy, Head, Heald, Healy, Hendrick, Howard
Humphrey, Jamrog, Karnis, Keefe, Labombarde,

Lefebvre, Armand Lemire, Roland Lemire,
Lyons, Martel, Mazur, McCarthy, McLaughlin,
Milton Mevers, Morrison, Mulligan, Fred
Murray, Naro, Nemzoff-Berman, Odell, Aime
Paradis, Peter Parady, Pastor, Peters,
Plomaritis, Podles, Polak, David Ramsay,
Peter Ramsey, Record, Reidy, Paul Riley,
Roy, Sallada, Silva, Edward Smith, Leonard
Smith, Stahl, Steiner, James Sullivan,
Vachon, Van Loan, Wallin, Eliot Ware,
Weaver, Welch, Emma Wheeler, Kenneth
Wheeler, Robert Wheeler, James White,
Cecelia Winn and Zaidel.

MERRIMACK: Allgeyer, Ayles, Bellerose,
Bibbo, Blakeney, Rodi, Laurent Boucher,
Carroll, John Cate, Clements, Colby, Hill,
James Humphrey, Kidder, LaBranche, Locke,
McLane, Mitchell, Nichols, O'Neill, Packard,
Paire, Plourde, Randlett, Rice, Doris Riley,
Selway, Stio, Stockman, Stokes, Trachy, Rick
Trombly, Underwood, Ernest Valliere, Waters
and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton,
Blanchette, William Boucher, Butler, Marilyn
Campbell, Carpenito, Patricia Cote, Roy
Davis, Ellyson, Felch, Joseph Flynn, Beverly
Gage, Carl Gage, Gibbons, Gould, Greene,
Jackson, Kane, Kashulines, Keenan, Roger
King, Kozacka, Landry, LoFranco, Lovejoy,
Joseph MacDonald, Norman Myers, Newell,
Newman, Pantelakos, Parolise, Parr, Pevear,
Quimby, Reese, Rogers, Scamman, Schmidtchen,
Schwaner, Skinner, Tavitian, Tufts, Vlack,
Warburton, Wojnowski, Wolfson and Woodman.

STRAFFORD: Burchell, Canney, DeNafio,
Farnham, Gauvin, Gosselin, Charles Grassie,
Joos, Maglaras, Meader, Nadeau, Pine, Pray,
Preston, Dennis Ramsey, Robinson, Sackett,
Schreiber, Donald Smith, Valley, Vaughan,
Whitehead and Allen Wilson.

SULLIVAN: Edmund Belak, David Campbell,
Cutting, D'Amante, Domini, Sim Grav, LeBrun,
Lucas, Palmer, Spanos, Spaulding, Townsend
and Wiggins, and the motion lost.

Rep. Sytek notified the Clerk that she
wished to be recorded against HR 4.

Question being on the committee report,
Inexpedient to Legislate.

Resolution adopted.

HR 76, relative to state laws requiring
additional expenditures by local
communities. Refer to Special Committee on
State Mandated Programs and Fiscal Notes.

This bill was heard by the Municipal and
County Government Committee, also by a
subcommittee. The Subcommittee voted
4-1 this bill ought to pass, but feels the
impact should be further studied by
the Special Committee on State Mandated
Programs and Fiscal Notes. Committee
vote was 10-3. Rep. Beverly A. Gage for
Municipal and County Government.

Rep. Quimby yielded to questions.

Rep. Mann spoke in favor of the
committee report and yielded to questions.

Reps. Quimby and James White spoke in
favor of the committee report.

Referred to Special Committee on State
Mandated Programs and Fiscal Notes.

HB 136, relative to allowing a civil commission to be registered in a new name if the name is legally changed. Ought to Pass with Amendment.

Under present law, new commission must be filed. Bill, as amended, allows name to be changed at small charge to cover cost in Secretary of State's Office. Rep. Russell C. Chase for Statutory Revision.

Amendment

Amend RSA 5:10-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

5:10-a Commission; Change of Name. If a justice of the peace, notary public or commissioner changes his name, the secretary of state shall, upon satisfactory proof of the authenticity of the change, replace the original name of the justice of the peace, notary public or commissioner with his new name, at a charge of \$5 to the person requesting the change. The justice of the peace, notary public or commissioner whose name has been changed and replaced on the commission by the secretary of state shall be allowed to perform his official duties under his new name for the remainder of his original appointed term.

Amendment adopted.

Referred to Appropriations.

HB 34, relative to trapping at specified locations and periods of time in certain portions of a public right-of-way. Ought to Pass with Amendment.

This bill give the Fish and Game Department the legal right to allow cities/towns to clear public right-of-ways when requested by the city or town. Vote 17-0. Rep. Fritz T. Sabhow for Fish and Game.

Amendment

Amend RSA 210:11, IV as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

IV. The executive director, with the approval of the commissioner of the department of public works and highways in the case of Class I, II or III highways, and of the municipality in the case of Class IV, V or VI highways, is authorized to issue special permits allowing the setting of traps for a specified period of time and in a specific location under or in the vicinity of bridges or in artificial or natural ditches or drainage systems or in the vicinity of any combination of such within the limits of the right-of-way of any public highway if such trapping is desirable to protect the highway.

Amendment adopted.

Ordered to third reading.

HB 116, relative to the conduct of voting at town meetings. Inexpedient to Legislate.

The statutes now protect the rights of town voters to request a secret ballot.

This bill would make a secret ballot almost impossible. Rep. Beverly A. Gage for Municipa^l and County Government.

Resolution adopted.

HB 46, relative to taking lobster by hand while diving. Inexpedient to Legislate. A law enforcement problem and Committee felt bill would hurt commercial lobster fishermen. Vote was 19-1. Rep. John H. Stimmell for Fish and Game.

Rep. Warburton spoke against the committee report.

Rep. Stimmell spoke in favor of the committee report and yielded to questions.

Rep. Felch spoke in favor of the committee report.

Resolution adopted.

Rep. Griffin wished to be recorded in favor of the committee report.

SIX-DAY EXTENSIONS GRANTED

HB 7, relative to proceedings in certain sexual assault cases. (Judiciary)

HB 23, to establish a public defender program in Strafford County. (Judiciary)

HB 88, establishing the office of ombudsman within the state council on aging and making an appropriation therefor. (Executive Departments and Administration)

VACATE

Rep. Townsend moved that the House vacate the reference of HB 327, establishing the air resources commission and the air resources agency as an independent commission and agency and repealing certain provisions of the RSA, to the committee on Executive Departments and Administration, and re-refer said bill to the committee on Environment and Agriculture.

Adopted.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 6 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 20, providing a fee for the issuance of a duplicate certificate of hunting competency.

HB 33, repealing the special provision for agents' fee for clam licenses.

HB 34, relative to trapping at specified locations and periods of time in certain portions of a public right-of-way.

HB 35, relative to the penalty in taking deer during the closed season.

HB 37, relative to the satisfactory proof of completion of a hunter safety course.

HB 44, prohibiting the taking of otter in any manner except by trapping.

HB 72, relative to minors using muzzle loading firearms.

HB 78, relative to the penalty for taking striped bass illegally.

HB 86, relative to the penalty for taking excessive quantities of oysters.

HB 142, relative to changing the calendar for zoning ordinances to allow for all hearings and public input as now but allowing more time between the time of preparation of the ballot with zoning questions and the time of voting.

HB 102, repealing the \$100,000 property holding limitation of the New Hampshire Antiquarian Society.

HB 125, to revise the limitations on waiving competitive bids.

HB 45, relative to the hunting season for black bear.

Rep. French moved that the House stand in recess from time to time for the sole purpose of introducing bills and enrolling reports and when the House adjourns, it be to meet Tuesday, March 6 at 1:00 p.m.

Adopted.

RECESS

Rep. M. Arnold Wight offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 389 through 527 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 389, relative to certain annuities in the New Hampshire retirement system and making an appropriation therefor. (Hildreth of Belknap Dist. 6; Dearborn of Grafton Dist. 11 - To Executive Departments and Administration)

HB 390, relative to state police salaries. (McManus of Strafford Dist. 18 - To Appropriations)

HB 391, relative to the recodification of the unemployment compensation laws and making an appropriation therefor. (Allen of Carroll Dist. 5; Baker of Hillsborough Dist. 14; Chambers of Grafton Dist. 13 - To Labor, Human Resources and Rehabilitation)

HB 392, concerning the collection of the road toll on users of fuel other than motor fuel. (Rounds of Grafton Dist. 12; French of Belknap Dist. 1 - To Ways and Means)

HB 393, relative to the salaries of justices of the district court. (Healy of Hillsborough Dist. 29 - To Judiciary)

HB 394, limiting borrowers' cards for the state library to those in or employed by state government. (Aeschliman of Rockingham Dist. 18; Stahl of Hillsborough Dist. 17; Blake of Rockingham Dist. 8; Boucher of Rockingham Dist. 3 - To State Institutions)

HB 395, to eliminate state-wide library borrowers' cards. (Aeschliman of Rockingham

Dist. 18; Stahl of Hillsborough Dist. 17; Blake of Rockingham Dist. 8; Boucher of Rockingham Dist. 3 - To State Institutions)

HB 396, relative to the library development program and making an appropriation therefor. (Aeschliman of Rockingham Dist. 18; Skinner of Rockingham Dist. 3A; Stahl of Hillsborough Dist. 17; Blake of Rockingham Dist. 8; Peters of Hillsborough Dist. 9; Boucher of Rockingham Dist. 3; Copenhaver of Grafton Dist. 13 - To State Institutions)

HB 397, providing a probation officer for the Salem district court and making an appropriation therefor. (Parolise of Rockingham Dist. 5; Carpenito of Rockingham Dist. 5; Campbell of Rockingham Dist. 5; Gage of Rockingham Dist. 5; Laycock of Rockingham Dist. 5 - To Judiciary)

HB 398, relative to the display of the declaration of independence and making an appropriation therefor. (White of Hillsborough Dist. 27; Brack of Hillsborough Dist. 28 - To Legislative Administration)

HB 399, changing the basis for distribution of state revenues to cities and towns. (Joos of Strafford Dist. 1; Chagnon of Grafton Dist. 2 - To Ways and Means)

HB 400, relative to the reorganization of the water resources board to include the development and promotion of energy resources and to rename such board as the water resources and energy authority. (Sackett of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 401, relative to retraining members of the New Hampshire retirement system otherwise eligible for a disability retirement allowance. (Parolise of Rockingham Dist. 5 - To Executive Departments and Administration)

HB 402, relative to the location of migratory bee colonies. (Galloway of Cheshire Dist. 1 - To Environment and Agriculture)

HB 403, increasing the number of student members on the university system board of trustees. (Morrisette of Strafford Dist. 7; Pappas of Hillsborough Dist. 18; Mulligan of Hillsborough Dist. 19; Herchek of Strafford Dist. 16; Collins of Rockingham Dist. 5; Haynes of Coos Dist. 1; Dunfee of Rockingham Dist. 12; Bodi of Merrimack Dist. 7 - To Education)

HB 404, relative to eligibility for transfer from the New Hampshire Hospital to the Glenciff home for the elderly. (LaMott of Grafton Dist. 6; Thomson of Grafton Dist. 7 - To State Institutions)

HB 405, extending benefits of the crippled children's program to certain adults with cystic fibrosis and making an appropriation therefor. (Proulx of Hillsborough Dist. 35 - To Health and Welfare)

HB 406, providing free access to interstate 95 from route 51 and making an appropriation therefor. (Scamman of Rockingham Dist. 15; Dunfee of Rockingham Dist. 12; Flynn of Rockingham Dist. 12; Tufts of Rockingham Dist. 13; Wolfson of Rockingham Dist. 15; Parr of Rockingham Dist. 17; Kozacka of Rockingham Dist. 13; Sen. Preston of Dist. 23 - To Public Works)

HB 407, requiring a city or town to vote on reassessment when so ordered by the board

of taxation. (Scamman of Rockingham Dist. 15 - To Municipal and County Government)

HB 408, increasing the construction appropriation for regional vocational education centers. (Krasker of Rockingham Dist. 22; Boucher of Rockingham Dist. 3; Sen. Hancock of Dist. 15 - To Public Works)

HB 409, relative to exemptions from the interest and dividends tax. (White of Hillsborough Dist. 27 - To Ways and Means)

HB 410, relative to the issuance of a certificate of title on mobile homes. (Scamman of Rockingham Dist. 15 - To Transportation)

HB 411, relative to the loaning authority of co-operative banks, building and loan associations and savings and loan associations. (Scamman of Rockingham Dist. 15 - To Commerce and Consumer Affairs)

HB 412, relative to limitations on the loaning authority of co-operative banks, building and loan associations and savings and loan associations. (Scamman of Rockingham Dist. 15 - To Commerce and Consumer Affairs)

HB 413, relative to the loaning authority of the co-operative banks, building and loan associations and savings and loan associations. (Scamman of Rockingham Dist. 15 - To Commerce and Consumer Affairs)

HB 414, relative to a foreclosure under power of mortgage. (Scamman of Rockingham Dist. 15 - To Commerce and Consumer Affairs)

HB 415, relative to fines and service charges assessed by co-operative banks, building and loan associations and savings and loan associations. (Scamman of Rockingham Dist. 15 - To Commerce and Consumer Affairs)

HB 416, requiring a permit for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor. (Hoar of Rockingham Dist. 8; Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

HB 417, concerning permitted uses of school building aid. (Parolise of Rockingham Dist. 5; Carpenito of Rockingham Dist. 5; Gage of Rockingham Dist. 5; Lavcock of Rockingham Dist. 5 - To Education)

HB 418, eliminating certain corporate annual report requirements. (Chase of Carroll Dist. 4 - To Commerce and Consumer Affairs)

HB 419, relative to the registration of a motor vehicle and obtaining a license to operate. (Domini of Sullivan Dist. 7 - To Transportation)

HB 420, relative to the classification of harbor masters. (Griffin of Rockingham Dist. 19 - To Executive Departments and Administration)

HB 421, relative to compulsory police attendance at public dances conducted in cities. (Lamy of Hillsborough Dist. 35; Soucy of Hillsborough Dist. 32; Podles of Hillsborough Dist. 25 - To Public Protection and Veterans' Affairs)

HB 422, reducing the time in which police departments must hold noncontraband abandoned or lost property. (Lamy of Hillsborough Dist. 35; Soucy of Hillsborough Dist. 32; Podles of Hillsborough Dist. 25 - To Public Protection and Veterans' Affairs)

HB 423, relative to the city clerk of Concord accepting voter registrations. (McLane of Merrimack Dist. 16 - To Statutory Revision)

HB 424, relative to the railroad tax. (Weaver of Hillsborough Dist. 18 - To Transportation)

HB 425, relative to surface mining and reclamation of mined lands. (Tucker of Sullivan Dist. 4; King of Grafton Dist. 13; Corser of Hillsborough Dist. 2; Sen. Lamontagne of Dist. 1; Sen. Poulsen of Dist. 2 - To Resources, Recreation and Development)

HB 426, relieving the local property taxpayer by widening the foundation of the New Hampshire income tax and making an appropriation therefor. (Sackett of Strafford Dist. 4; Mann of Grafton Dist. 6 - To Ways and Means)

HB 427, limiting capital improvement expenditures in a municipality to no more than one percent except upon referendum approval in the municipality. (Cote of Hillsborough Dist. 28 - To Special Committee on Mandated Programs and Fiscal Notes)

HB 428, mandating certain criteria to be utilized by the water supply and pollution control commission in approving percolation tests, secondary filtration and purification capacity. (Flanagan of Rockingham Dist. 6; Sanders of Belknap Dist. 4; Gibbons of Rockingham Dist. 4; Bowler of Belknap Dist. 3 - To Resources, Recreation and Development)

HB 429, establishing the position of a director of children's services within the office of the division of mental health and making an appropriation therefor. (Holliday of Merrimack Dist. 3; Epstein of Merrimack Dist. 15; Stahl of Hillsborough Dist. 17; Hall of Hillsborough Dist. 12; Head of Hillsborough Dist. 10; McLane of Merrimack Dist. 16; Lynch of Cheshire Dist. 12 - To Health and Welfare)

HB 430, establishing a fund for the purchase of works of art for state buildings and facilities. (Krasker of Rockingham Dist. 22; Ribbo of Merrimack Dist. 2; LaMott of Grafton Dist. 6; Hildreth of Belknap Dist. 6; Griffin of Rockingham Dist. 19; Chambers of Grafton Dist. 13; French of Belknap Dist. 1; Sen. Hancock of Dist. 15; Sen. Roy of Dist. 22 - To Public Works)

HB 431, relative to supplying of generic drugs by pharmacists. (Cote of Hillsborough Dist. 28 - To Health and Welfare)

HB 432, relative to the application of the rooms and meals tax. (Sanders of Belknap Dist. 4 - To Ways and Means)

HB 433, relative to detective agencies and security services. (McLaughlin of Hillsborough Dist. 16 - To Commerce and Consumer Affairs)

HB 434, relative to a land gains tax. (Oumby of Rockingham Dist. 4; Wallin of Hillsborough Dist. 16 - To Ways and Means)

HB 435, relative to training in osteopathic medicine and making an appropriation therefor. (Boucher of Merrimack Dist. 6; Sen. Saggiotes of Dist. 8 - To Education)

HB 436, revising the limit of town deposits and allowing for secured deposits in excess of the 20 day limitation. (Collins of Rockingham Dist. 5; Kane of Rockingham Dist. 13 - To Municipal and County Government)

HB 437, repealing the reflectorized license plate appropriation and authorization. (Cote of Hillsborough Dist. 28 - To Appropriations)

HB 438, providing for workmen's compensation dependency payments. (McDonough of Hillsborough Dist. 29 - To Labor, Human Resources and Rehabilitation)

HB 439, relative to contract grievance procedures. (McDonough of Hillsborough Dist. 29 - To Labor, Human Resources and Rehabilitation)

HB 440, relative to increasing the pay of sheriffs and deputy sheriffs for court attendance. (McDonough of Hillsborough Dist. 29 - To Municipal and County Government)

HB 441, relative to town and county paupers. (Wallin of Hillsborough Dist. 16 - To Municipal and County Government)

HB 442, relative to the state assuming the cost of neglected children in foster care and making an appropriation therefor. (Roberts of Belknap Dist. 4; Wilson of Rockingham Dist. 2; Sen. Preston of Dist. 23; Sen. Roy of Dist. 22 - To Health and Welfare)

HB 443, increasing the limit of the concurrent jurisdiction of district courts in civil matters. (Boyer of Hillsborough Dist. 20 - To Judiciary)

HB 444, making a supplemental appropriation for food and nutrition services. (Day of Hillsborough Dist. 26; Krasker of Rockingham Dist. 22; DeNafio of Strafford Dist. 19 - To Education)

HB 445, relative to group I retirement provisions. (Bodi of Merrimack Dist. 7; Pappas of Hillsborough Dist. 18 - To Executive Departments and Administration)

HB 446, relative to the appointment of deputy school district treasurers. (Head of Hillsborough Dist. 10 - To Education)

HB 447, relative to the installation of traffic signals within the town of Gorham on route 16 and making an appropriation therefor. (Guay of Coos 5 - To Public Works)

HB 448, relative to the public employee labor relations board. (McDonough of Hillsborough Dist. 29 - To Labor, Human Resources and Rehabilitation)

HB 449, concerning choosing delegates to national political conventions. (Wallin of Hillsborough Dist. 16; Rounds of Grafton Dist. 12 - To Statutory Revision)

HB 450, providing for the acquisition of certain dams and water rights by the water resources board and making appropriations therefor. (Guay of Coos Dist. 5; Ladd of Cheshire Dist. 3; Williamson of Sullivan Dist. 9 - To Resources, Recreation and Development)

HB 451, relative to greyhound and harness racing pari-mutuel betting. (Gordon of Cheshire Dist. 9 - To Regulated Revenues)

HB 452, relative to the possession of controlled drugs. (McLaughlin of Hillsborough Dist. 16 - To Judiciary)

HB 453, relative to legalizing the sale of fireworks. (Eaton of Cheshire Dist. 11 - To Public Protection and Veterans' Affairs)

HB 454, to reclassify certain sections of highways in the town of Merrimack; to provide town authorization to appropriate town funds for their improvement, and for the construction of a new interchange and collector roadways on the central New

Hampshire turnpike in the town of Merrimack and making an appropriation therefor. (Granger of Hillsborough Dist. 13 - To Public Works)

HB 455, establishing a committee to recodify the motor vehicle laws (Title XXI) and making an appropriation therefor. (Tavition of Rockingham Dist. 9 - To Transportation)

HB 456, to provide a supplementary appropriation to the board of registration for land surveyors. (Skinner of Rockingham Dist. 3A - To Appropriations)

HB 457, relative to the New Hampshire retirement system. (Hildreth of Belknap Dist. 6; Dearborn of Grafton Dist. 11 - To Executive Departments and Administration)

HB 458, concerning political campaign financing. (Hall of Hillsborough Dist. 12; Hanson of Belknap Dist. 5 - To Statutory Revision)

HB 459, to create a state district court system with full time judges, clerks and other personnel as a state supported court and making an appropriation therefor. (McManus of Strafford Dist. 18 - To Judiciary)

HB 460, relative to certain supplemental appropriations. (LaMott of Grafton Dist. 6; Bibbo of Merrimack Dist. 2; Ramsay of Cheshire Dist. 5; Scranton of Cheshire Dist. 16; White of Hillsborough Dist. 27; Sen. Blaisdell of Dist. 10; Sen. Sanborn of Dist. 17; Sen. Saggiotes of Dist. 8 - To Public Works)

HB 461, relative to the sale of wine. (Wallin of Hillsborough Dist. 16 - To Regulated Revenues)

HB 462, relative to public guardians, and making an appropriation therefor. (Collins of Rockingham Dist. 5; Pappas of Hillsborough Dist. 18 - To State Institutions)

HB 463, extending the Laconia by-pass to the Weirs in lieu of take over by state of the Weirs boulevard and making an appropriation therefor. (Sabbow of Belknap Dist. 6; Birch of Belknap Dist. 2; Beard of Belknap Dist. 2; Dionne of Belknap Dist. 6; Hildreth of Belknap Dist. 6 - To Public Works)

HB 464, creating a wage and price compliance review board and making an appropriation therefor. (Herche of Strafford Dist. 16 - To Commerce and Consumer Affairs)

HB 465, to provide personal care attendant services for severely physically disabled persons. (Chambers of Grafton Dist. 13; Hildreth of Belknap Dist. 6; Sen. Conley of Dist. 3 - To Health and Welfare)

HB 466, expanding the early identification system for locating handicapped children in need of a program of special education and making an appropriation therefor. (Morrison of Hillsborough Dist. 14 - To Education)

HB 467, to reestablish the detoxification and rehabilitation of alcoholics program within the division of public health services and establishing a fund therefor. (Riley of Cheshire Dist. 10; McLane of Merrimack Dist. 16; Blanchette of Rockingham Dist. 14; Proctor of Cheshire Dist. 14 - To Health and Welfare)

HB 468, concerning political expenditures, advertising and contributions in elections not covered by RSA 70. (Newman of Rockingham Dist. 18; LoFranco of Rockingham Dist. 21; Splaine of Rockingham Dist. 19; Sen. Splaine of Dist. 24 - To Statutory Revision)

HB 469, establishing a statewide elderly discount card program. (Kohl of Cheshire Dist. 15; Sen. Monier of Dist. 9 - To Executive Departments and Administration)

HB 470, relative to the definition of vending facility for purposes of the blind services program. (Pepitone of Grafton Dist. 3; Clark of Grafton Dist. 5; McAvoy of Grafton Dist. 1 - To Resources, Recreation and Development)

HB 471, relative to establishing a driver alcohol retraining program and making an appropriation therefor. (Kaklamanos of Hillsborough 21; Bodi of Merrimack Dist. 7; Campbell of Sullivan Dist. 6; Herchek of Strafford Dist. 16; Pappas of Hillsborough Dist. 18; Dionne of Belknap Dist. 6; Carroll of Merrimack Dist. 19; Pine of Strafford Dist. 4; Collins of Rockingham Dist. 5; Lavcock of Rockingham Dist. 5; Carpenito of Rockingham Dist. 5; Smith of Rockingham Dist. 5; Trombly of Merrimack Dist. 10; Morrisette of Strafford Dist. 7 - To Transportation)

HB 472, requiring the state to initially assume all the costs of educating certain foster children and making an appropriation therefor. (LaMott of Grafton Dist. 6; Mann of Grafton Dist. 6; Sen. Blaisdell of Dist. 10 - To Education)

HB 473, reimbursing the town of Franconia for certain lost revenues and making an appropriation therefor. (Pepitone of Grafton Dist. 3 - To Municipal and County Government)

HB 474, making an appropriation to the division of mental health to permit implementation of community mental health programs. (Epstein of Merrimack Dist. 15 - To Health and Welfare)

HB 475, requiring periodic training and requalification in the use and handling of firearms for all police officers in the state. (Haynes of Coos Dist. 1; Eaton of Cheshire Dist. 11; Pappas of Hillsborough Dist. 18; Kaklamanos of Hillsborough Dist. 21; Collins of Rockingham Dist. 5; Sen. Conley of Dist. 3 - To Public Protection and Veterans' Affairs)

HB 476, establishing a unified medical examination system. (Hildreth of Belknap Dist. 6 - To Judiciary)

HB 477, relative to agricultural encouragement within the state and making an appropriation therefor. (Blakeney of Merrimack Dist. 17; Burchell of Strafford Dist. 12; Belak of Sullivan Dist. 2; Miller of Cheshire Dist. 1; Rogers of Rockingham Dist. 10 - To Environment and Agriculture)

HB 478, relative to teacher members of group I of the New Hampshire retirement system. (Spirou of Hillsborough Dist. 27 - To Executive Departments and Administration)

HB 479, relative to group I members in the New Hampshire retirement system. (Day of Hillsborough Dist. 26; Spirou of Hillsborough Dist. 27 - To Executive Departments and Administration)

HB 480, relative to teacher members of group I of the New Hampshire retirement system. (Spirou of Hillsborough Dist. 27; Sackett of Strafford Dist. 4; LaMott of Grafton Dist. 6; Sen. Fennelly of Dist. 21 - To Executive Departments and Administration)

HB 481, transferring liquor investigators from group I to group II of the New Hampshire retirement system and making an appropriation therefor. (Spirou of Hillsborough Dist. 27 - To Executive Departments and Administration)

HB 482, establishing procedures to review developments of regional impact and making an appropriation therefor. (Corser of Hillsborough Dist. 2; Kane of Rockingham Dist. 13; Kozacka of Rockingham Dist. 13; King of Grafton Dist. 13; Miller of Cheshire Dist. 1 - To Resources, Recreation and Development)

HB 483, relative to the commission of children and youth and making an appropriation therefor. (Stahl of Hillsborough Dist. 17; Epstein of Merrimack Dist. 15; Baybutt of Cheshire Dist. 16; Skinner of Rockingham Dist. 3A - To State Institutions)

HB 484, making an appropriation to the division of public health services of the department of health and welfare for care of hemophiliacs. (Chambers of Grafton Dist. 13; Copenhaver of Grafton Dist. 13 - To Appropriations)

HB 485, making an appropriation for the New Hampshire special olympics. (Russell of Cheshire Dist. 13; Chambers of Grafton Dist. 13 - To Appropriations)

HB 486, relative to post-release plans for persons discharged from New Hampshire hospital and making an appropriation for community mental health services. (Nardi of Hillsborough Dist. 27; Chambers of Grafton Dist. 13; Ward of Grafton Dist. 1; McLane of Merrimack Dist. 16 - To State Institutions)

HB 487, increasing the monthly allowance to residents of shared homes who receive public assistance, and making an appropriation therefor. (Murray of Hillsborough Dist. 3 - To Health and Welfare)

HB 488, to reclassify a certain highway in the city of Laconia. (Dionne of Belknap Dist. 6; Hanson of Belknap Dist. 5; Sabbow of Belknap Dist. 6 - To Public Works)

HB 489, relative to the health and welfare advisory commission. (Nardi of Hillsborough Dist. 27; McLane of Merrimack Dist. 16; Ward of Grafton Dist. 1; Chambers of Grafton Dist. 13 - To Health and Welfare)

HB 490, establishing an advisory committee on mental health funding, and establishing an oversight committee for a New Hampshire hospital and Glenclyff home for the elderly study and making an appropriation therefor. (Nardi of Hillsborough Dist. 27; Chambers of Grafton Dist. 13; McLane of Merrimack Dist. 16; Ward of Grafton Dist. 1 - To State Institutions)

HB 491, requiring optometrists and ophthalmologists to report all discovered cases of bad vision to the bureau of blind services. (Nardi of Hillsborough Dist. 27; Healy of Hillsborough Dist. 29; Chagnon of Hillsborough Dist. 23; Spirou of Hillsborough Dist. 27 - To Health and Welfare)

HB 492, providing for an occupational safety and health act for public employees. (McDonough of Hillsborough Dist. 29 - To Labor, Human Resources and Rehabilitation)

HB 493, to establish a permanent paramedic program at New Hampshire Technical Institute. (Collins of Rockingham Dist. 5; Kaklamanos of Hillsborough Dist. 21; Mulligan of Hillsborough Dist. 19; Pappas of Hillsborough Dist. 18 - To Education)

HB 494, relative to the inspection of custom slaughter houses and making an appropriation therefor. (Sabbow of Belknap Dist. 6 - To Appropriations)

HB 495, relative to the filing date for road toll refunds. (Campbell of Rockingham Dist. 5; Johnson of Cheshire Dist. 3 - To Transportation)

HB 496, creating a planning region review study committee, and making an appropriation therefor. (Schreiber of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 497, requiring children under 12 years of age to use seat belts while riding in a private passenger vehicle. (Lynch of Cheshire Dist. 12; Russell of Cheshire Dist. 13 - To Transportation)

HB 498, establishing a commission to develop a statewide water supply policy and a management plan for water supply needs and capabilities and making an appropriation therefor. (Schreiber of Strafford Dist. 4; Spiro of Hillsborough Dist. 27; Hendrick of Hillsborough Dist. 13 - To Resources, Recreation and Development)

HB 499, providing economic incentives for consumers to return used beverage containers and to encourage the recycling of same; establishing a "litter tax" and amending the litter control law in general. (Hall of Hillsborough Dist. 12 - To Commerce and Consumer Affairs)

HB 500, relative to a gross production tax on certain minerals. (Hendrick of Hillsborough Dist. 13 - To Ways and Means)

HB 501, providing for local option approval of the sport of jai alai under the direction and supervision of the state jai alai commission. (Kashulines of Rockingham Dist. 3A; Paradis of Hillsborough Dist. 8 - To Regulated Revenues)

HB 502, providing for the licensing of social workers on a trial basis and making an appropriation therefor. (Blanchette of Rockingham Dist. 14; Howard of Carroll Dist. 1 - To Executive Departments and Administration)

HB 503, relative to licensing real estate appraisers. (Pucci of Rockingham Dist. 5; Herchek, J. of Strafford Dist. 16; Dionne of Belknap Dist. 6 - To Executive Departments and Administration)

HB 504, relative to the development of a non-mandatory program of comprehensive health education. (Head of Hillsborough Dist. 10; Stahl of Hillsborough Dist. 17; McLane of Merrimack Dist. 16; Day of Hillsborough Dist. 16 - To Education)

HB 505, establishing a state equal employment opportunity office. (Morrison of Hillsborough Dist. 14; Sen. Hancock of Dist. 15 - To Labor, Human Resources and Rehabilitation)

HB 506, relative to running and harness horse racing. (Gage of Rockingham Dist. 5;

Carpenito of Rockingham Dist. 5; Laycock of Rockingham Dist. 5; Smith of Rockingham Dist. 5 - To Regulated Revenues)

HB 507, coordinating the distribution of revenues collected by the state to be shared with cities and towns, and imposing a tax on electric utility property, and making an appropriation therefor. (Quimby of Rockingham Dist. 4; Wallin of Hillsborough Dist. 16 - To Ways and Means)

HB 508, relative to a state tax on electric utility property and making an appropriation therefor. (Quimby of Rockingham Dist. 4; Wallin of Hillsborough Dist. 16 - To Ways and Means)

HB 509, relative to exemption from the rooms and meals tax for nonprofit social clubs and fraternal organizations. (Spiro of Hillsborough Dist. 27; Hildreth of Belknap Dist. 6; Corey of Hillsborough Dist. 27; Lamy of Hillsborough Dist. 35 - To Ways and Means)

HB 510, increasing the real estate transfer tax, dedicating part of the increased revenue to assisting local jurisdictions in acquiring open space and recreation areas under the federal land and water conservation fund, and part to agricultural lands preservation. (Heald of Hillsborough Dist. 5; Chambers of Grafton Dist. 13; Williamson of Sullivan Dist. 9 - To Ways and Means)

HB 511, creating centralized land acquisition procedures; establishing a natural heritage conservation fund, making an appropriation therefor, and authorizing the issuance of bonds for such fund. (Williamson of Sullivan Dist. 9 - To Resources, Recreation and Development)

HB 512, relative to the restriction of off-sale permits. (McLane of Merrimack Dist. 16; Humphrey of Merrimack Dist. 11 - To Regulated Revenues)

HB 513, relative to establishing standards for motorcycle driver education and training and making an appropriation therefor. (Spiro of Hillsborough Dist. 27; Tucker of Sullivan Dist. 4 - To Transportation)

HB 514, relative to liens for uncollected taxes upon house trailers and mobile homes. (Davis of Rockingham Dist. 2 - To Municipal and County Government)

HB 515, relative to the establishment and operation of mobile home parks. (Davis of Rockingham Dist. 2 - To Municipal and County Government)

HB 516, simplifying the procedures for registering motor vehicles by designating certain municipal officials as agents. (Head of Hillsborough Dist. 10; Packard of Merrimack Dist. 4; Dion of Hillsborough Dist. 21; Smith of Hillsborough Dist. 14 - To Transportation)

HB 517, providing that emergency vehicles shall make use of audible or visual signals rather than audible and visual signals. (Wilson of Rockingham Dist. 2; Packard of Merrimack Dist. 4 - To Transportation)

HB 518, repealing the fee for testing water samples. (Schreiber of Strafford Dist. 4 - To Appropriations)

HB 519, relative to ordinary death benefits under the New Hampshire retirement system. (Hildreth of Belknap Dist. 6 - To Executive Departments and Administration)

HB 520, relative to property tax exemptions. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 521, relative to the delivery of property tax bills. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 522, relative to a recording fee for the current use assessment notice. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 523, relative to tax lists. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 524, relative to treating millfoil in Moultonboro bay and making an appropriation therefor. (Smith of Carroll Dist. 3 - To Resources, Recreation and Development)

HB 525, creating a New Hampshire athletic trainers board. (Lessard of Strafford Dist. 20 - To Executive Departments and Administration)

HB 526, to repeal tax credits for banks under the business profits tax. (Wallin of Hillsborough Dist. 16 - To Ways and Means)

HB 527, establishing a state gaming commission and authorizing the establishment of state controlled machine gaming and making an appropriation therefor. (Plourde of Merrimack Dist. 7 - To Regulated Revenues)

Rep. M. Arnold Wight moved that the House adjourn.

Adopted.

HOUSE JOURNAL 12

Tuesday 6Mar79

The House met at 1:00 p.m.

Prayer was offered by The House
Chaplain, Rev. William L. Quirk

Let us pray:

Almighty Father, help us to recognize
Your infinite capacity for love and
compassion toward us all. We accept Your
persistent love and constant desire to make
us Your people.

Help us to find inner harmony and
personal integrity in our daily lives.

By the power of Your spirit, heal any
wounds that may divide us from You and one
another. Renew our minds and hearts so that
we may have a genuine conviction of faith,
hope and love of You, our Creator.

May we this day and each day of our
lives always praise Your healing acceptance
and transforming love. Amen.

Rep. Mitchell led the Pledge of
Allegiance.

LEAVES OF ABSENCE

Reps. Rick Trombly, Raymond Dupont,
Hoar, Fisher, Cotton, Hebert, Pucci, John
Winn, Blake, Bisbee and Lovejoy, the day,
illness.

Reps. Griffin, Vartanian, Madigan,
Stylianios, Wood, Morgan, Lucas, Brack,
Peters, Martineau, Colby, Dolbec, Roland
Lemire, Canney and Drew, the day, important
business

Rep. Charles Grassie, the day, death in
the family.

INTRODUCTION OF GUESTS

Richard Lockhart of Portsmouth, guest of
Rep. John Splaine; Lee Mason of Seabrook,
guest of Rep. Felch; Mrs. Gloria Moulton,
Mrs. Polly Deutsch, Susan Miner, John
Moretto, and students from Belmont High
School.

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the House adopt
the amendments to HB's 200, 106, 67, 90, 104
and 117, and further moved that the House
adopt the committee recommendation of Ought
to Pass with Amendment on HB's 200, 106, 67,
90, 104 and 117, and further moved that the
House adopt the committee recommendation of
Ought to Pass on HB's 225, 147, 98, 138,
250, 161, 168, 184, 206, 215, 217, 234 and
220, and further moved that the House adopt
the committee recommendation of Inexpedient
to Legislate on HB's 195, 196, 89, 227 and
128, and under the Rules HB 138 be referred
to Appropriations.

HB's 200, 106, 67, 90, 104 and 117 were
removed from the Consent Calendar at the
request of Rep. Scamman.

HB's 89 and 250 were removed from the
Consent Calendar at the request of Rep.
Bosse.

Adopted.

HB 225, relative to the authority of
Franklin Pierce Law Center to confer
degrees. Ought to Pass.

By a vote of 16-0 the Committee
recommends granting to Franklin Pierce
Law School the authority to grant the
graduate degree of juris doctor, subject
to approval of the American Bar
Association. Rep. Charles W. Beard for
Education.

HB 147, relative to the ocean rearing of
anadromous fish. Ought to Pass.

The Committee agrees that the adoption
of this bill which allows the release
and recapture of anadromous fish in
state waters, under the direction of the
Fish and Game Department, can have an
advantageous effect on the food chain,
private industry and sport fishing in
New Hampshire. Unanimous vote. Rep.
Myrtle B. Rogers for Environment and
Agriculture.

HB 98, eliminating liability of
landowner allowing persons to cut firewood
on his land under sharecropper arrangement.
Ought to Pass.

This bill limits the liability of the
landowner to persons who are permitted
to cut wood on his land in the absence
of willful, wanton or reckless conduct
by such owner. Vote was 15-0. Rep.
Donald H. Smith for Judiciary.

HB 138, relating to liability for
expenses incurred in court ordered placement
of children. Ought to Pass.

Towns and cities currently are liable
for expenses incurred in court ordered
placement of children. The Committee
felt that this was an excessive
financial burden on the municipalities,
especially for the smaller towns, and
that the state should pay these costs.
Testimony was overwhelmingly supportive
of this sentiment. Committee vote was
16-0. Rep. David B. Campbell for
Judiciary.

Referred to Appropriations.

HB 161, relative to authorization by
town meetings for expenditure of monies made
available to towns during the year. Ought
to Pass.

Clears up the issue regarding acceptance
of CETA and other federal funds becoming
available between town meetings. Vote
was 14-0. Rep. Anthony Pepitone for
Municipal and County Government.

HB 168, increasing the time frame for
certain hearings. Ought to Pass.

This bill simply increases the time
frame required for public hearings on
bond issues more than 100,000. The bill
extends the time period for the meeting
to not more than 60 days prior to the
meeting or adjourned session at which
the vote will occur. Vote was 14-0.

Rep. Dorothy J. Drewniak for Municipal and County Government.

HB 184, legalizing the Holderness school district meeting of March 8, 1978. Ought to Pass.

To satisfy Department of Revenue Administration request for clarification. Vote 15-0. Rep. Peter P. Parady for Municipal and County Government.

HB 206, relative to licensing fees for the registration of dogs owned by persons 65 years of age and older. Ought to Pass.

This bill provides that a dog owned by a person 65 years of age and older may be registered for a fee of \$2.00. If this same person wishes to register more than one dog, the regular fees shall be charged for each additional dog. Vote was 14-0. Rep. Dorothy J. Drewniak for Municipal and County Government.

HB 215, relative to acceptance of village district roads by municipalities. Ought to Pass.

This bill is needed to protect the towns from having a village district established by 10 or more citizens laying out roads and then going bankrupt and the town has to take over all the roads. Vote was 14-0. Rep. Arnold B. Perkins for Municipal and County Government.

HB 217, relative to municipal budget law submission forms. Ought to Pass.

This bill only gives the voters additional needed information to enable them to make better budgetary decisions at school and town meetings. Vote was 14-0. Rep. Roger C. King for Municipal and County Government.

HB 234, legalizing the town meeting of Hudson. Ought to Pass.

Hudson officials requested legislation of town meeting at suggestion of Revenue Administration. No real need. Vote was 12-0. Rep. Roy W. Davis for Municipal and County Government.

HB 220, relative to bonds required on contracts involving public works. Ought to Pass.

This bill would revise the lower monetary limits beyond which performance bonds shall be required on state construction contracts; the increase is in line with inflationary costs. Vote 11-0. Rep. Norman W. Myers for Public Works.

HB 195, placing a consumer on the commission of pharmacy and practical chemistry and providing for that public member's attendance at interstate meetings. Inexpedient to Legislate.

The Committee felt the idea of adding a public member to the board is necessary to represent the consumer's views, but this will be handled in the licensing bill later this session. The Committee felt further that it should not statutorily require the public member to attend interstate meetings, but may if

he/she so desires. Presently, when a member does attend a meeting, he/she has had to pay for portions of the trip from their personal expenses. Vote was 12-0. Rep. Edward J. Wojnowski for Executive Departments and Administration.

HB 196, requiring examinations for registered nurses to be held every four months. Inexpedient to Legislate.

Enactment of this bill would cause termination of the state's agreement with the National Council of State Boards of Nursing and would make it necessary for New Hampshire graduate nurses to take other exams in order to gain interstate accreditation. Testimony given at the hearing caused the Committee to be concerned lest any disciplinary action be taken against those New Hampshire student nurses who may have assisted the sponsor in preparation of this bill. Vote was 11-0. Rep. Louisa K. Woodman for Executive Departments and Administration.

HB 227, relative to the salaries of district court justices. Inexpedient to Legislate.

This same subject matter will be covered by subsequent legislation. Unanimous vote. Rep. Anthony A. McManus for Judiciary.

HR 128, prohibiting the operation of snow or ice covered motor vehicles on highways. Inexpedient to Legislate.

This bill has great merit, however, it is unenforceable and further is not in the Uniform Vehicle Code and people would be breaking the law without knowing it. Vote 16-0. Rep. K. Michael Tavitian for Transportation.

COMMITTEE REPORTS (Regular Calendar)

HB 27, guaranteeing freedom of speech, right of criticism and disclosure for all state employees. Ought to Pass with Amendment.

The purpose of the bill is to spell out freedom of speech for state employees while considering the balance between the rights of the employee and the needs of the government. Rep. Joseph M. Eaton for Constitutional Revision.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 98-D the following new chapter:

CHAPTER 98-E

State Employee Freedom of Expression
98-E:1 Freedom of Expression.

Notwithstanding any other rule or order to the contrary, a person employed by the state in any capacity shall have a full right to publicly discuss and give opinions as an individual on all matters concerning the state and its policies. It is the intention of this chapter to balance the rights of expression of the employee with the need of

the state to protect legitimate confidential records, communications and proceedings.

98-E:2 Interference Prohibited. No person shall interfere in any way with the right of freedom of speech, full criticism or disclosure by any state employee.

98-E:3 Confidential Records. Nothing in this chapter shall suspend or affect any law relating to confidential and privileged records or communications. For the purposes of this chapter, confidential records and communications shall include communication or records relating to investigations for law enforcement purposes and collective bargaining proceedings.

98-E:4 Criminal Penalty. Any person who wilfully and knowingly violates any provisions of this chapter is guilty of a misdemeanor.

98-E:5 Civil Penalty.

I. Any employee subject to the provisions of this chapter whose rights have been violated under this chapter may sue the person responsible for such violation for civil damages and reasonable costs of collection, including reasonable attorney's fees.

II. Any person who is sued under this chapter and who prevails may recover from the employee court costs, including reasonable attorney's fees, if it is found that the employee had no reasonable basis in fact upon which to initiate such a lawsuit.

Rep. Daniell spoke in favor of the committee report.

Amendment adopted.

Ordered to third reading.

HB 131, relative to the disposition of fines collected for making false statements in procuring fish and game licenses. Ought to Pass with Amendment.

This bill substitutes the Fish and Game fund for the towns in which the arrests are made, as the recipient of the fines collected from persons convicted of false receipts, certificates or false statements concerning the payment of resident taxes. This is for Fish and Game cases only. Vote 15-0. Rep. Arnold B. Perkins for Municipal and County Government.

Amendment

Amend RSA 214:12 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

214:12 --Penalty for False Receipt or Certificate and for False Statements. Whoever files a false receipt or certificate relative to the payment of a resident tax as herein provided shall be guilty of a violation and his license may be revoked for a period not exceeding 3 months. Whoever makes any other false statement for the purpose of procuring a license shall be guilty of a violation. All fines collected for violation of the provisions of this section relating to false receipts or certificates or false statements concerning the payment of resident taxes shall be deposited in the fish and game fund.

Amendment adopted.

Ordered to third reading.

HB 162, requiring full state maintenance for state route 28 in the town of Salem.

Majority: Inexpedient to Legislate.

Minority (Reps. J. White, Parolise and Martineau): Ought to Pass.

MAJORITY: This bill has appeared before the Legislature in the past five sessions. Although the Public Works Committee is sympathetic to the problems of the people of Salem it does not feel justified in expending state funds to alleviate a problem created locally by lack of proper planning and zoning. Vote 14-3. Rep. Joseph M. Silva for Public Works.

MINORITY: Salem along with other communities throughout New Hampshire is in need of state assistance in compact areas. Reps. J. White, Parolise and Martineau for Minority of the Public Works.

Rep. James J. White moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Ribbo and Silva spoke against the motion.

Rep. Parolise spoke in favor of the motion.

Motion lost.

Resolution adopted.

HB 221, relative to contracts by the department of public works and highways. Ought to Pass with Amendment.

This bill would accomplish two purposes: (1) increase the minimum costs of state construction contracts on which the employment of independent registered professional architects or registered professional engineers shall be mandated by statute; and (2) increase the time limits for the execution of construction contracts after receipt of bids. The extension is suggested because of the increased paper work required by regulation and the time required for the securing of performance bonds by smaller contractors who become successful bidders for the first time. Vote 14-1. Rep. Norman W. Myers for Public Works.

Amendment

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Extended Time Period. Amend RSA 228:4, II by striking out in line 3 the number "30" and inserting in place thereof the following (60) so that said paragraph as amended shall read as follows:

II. No state contract construction exceeding \$5,000 for any individual project shall be awarded to any independent contractor except under conditions of competitive bidding and as hereinafter provided. Within 60 days from the date of opening bids, the commissioner, if in his opinion the bid of the lowest bidder should be accepted, shall prepare a contract of acceptance of such lowest bid which he shall execute in the name of the state and upon execution thereof by the lowest bidder and

after approval thereof by the attorney general as to form, and of the comptroller as to availability of funds, he shall transmit said contract to the governor and council for approval and upon approval thereof by the governor and council, it shall become a valid contract of the state. In any case under competitive bidding where for just cause shown the lowest bid submitted should be rejected, the commissioner shall transmit promptly to the governor and council a recommendation for such rejection stating his reasons therefor. The governor and council shall thereupon review such recommendation and any other facts available to them, requiring a public hearing upon request of any bidder or on their own motion to fully establish such facts, and make such determination as in their judgment shall be for the best interest of the state. Such determination shall be entered upon the records of the secretary of state. The state reserves the right to reject any and all bids or to negotiate with the lowest responsible bidder. If not more than one bid is received on any state project advertised for contract construction, the commissioner subject to the approval of the governor and council may negotiate a contract for such construction upon terms which he may deem most advantageous to the state. Provided, however, that as to projects built with federal aid, if any provision of this section is inconsistent with the requirements of applicable federal law and regulations, the latter shall control.

Amendment adopted.

Ordered to third reading.

HB 3, relative to the Connecticut River Atlantic Salmon Compact. Ought to Pass with Amendment.

The intent of the bill is to re-establish Atlantic Salmon in the mainstream of the Connecticut River. The Committee voted unanimously for ought to pass with amendment. Rep. Marshall French for State-Federal Relations.

Amendment

Amend RSA 213-A:1, Article IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

ARTICLE IV

The duty of said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the restoration of Atlantic salmon in the Connecticut river and its tributaries.

To promote the restoration, preservation and protection of Atlantic salmon in the Connecticut River Basin the commission may draft and recommend to the governors of the various signatory states legislation to accomplish this end. The commission shall, more than 60 days prior to any regular meeting of the legislature of any signatory state, present to the governor of the state its recommendations relating to proposed enactments to be made by the legislature of

the state in furthering the intents and purposes of this compact.

The commission shall have the power to recommend to the states party hereto stocking programs, management procedures and research projects and when two or more states party hereto shall jointly stock waters or undertake cooperative management or research the commission shall act as the coordinating agency. The commission, using all available means, shall encourage acquisition by the signatory states of river bank, river bed and access thereto.

The commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to other anadromous species and their potential impact or the potential impact of sport fisheries and commercial fisheries for other anadromous species on the restoration of Atlantic salmon to the Connecticut River Basin.

In the interest of developing a sound program of Atlantic salmon management the commission shall promulgate regulations governing Atlantic salmon fishing in the main stem of the Connecticut river in all four signatory states as hereinafter provided. Such regulations may: (1) establish the open and closed seasons for Atlantic salmon which may vary by river section, (2) establish hours, days of periods during the open season when fishing for Atlantic salmon shall not be permitted in designated areas, (3) prescribe the legal methods of taking Atlantic salmon including the type of gear such as gaffs, landing nets or tailers which may be used to assist in landing such fish, (4) establish the minimum legal length for Atlantic salmon, (5) establish the daily creel limit, the season creel limit and the possession limit for Atlantic salmon.

The commission shall recommend, review and issue comments on such regulations as may be promulgated by the signatory states governing Atlantic salmon fishing in tributary streams. The states of Connecticut and Massachusetts agree to make available for brook stock, from fish taken in the fish passage facilities at the Rainbow Reservoir Dam and the Holyoke Power Company Dam, such numbers of adult Atlantic salmon as the commission deems necessary to carry out the Atlantic salmon restoration program.

The commission shall have the power to issue a Connecticut River Basin Atlantic Salmon License and the sale of such licenses shall be handled by the individual signatory states or their authorized agents. The individual signatory states shall be accountable to the commission for all such licenses and the moneys received therefrom. The initial fee for such licenses shall be determined by majority vote of the commission but shall not exceed the maximum resident angling license fee of the signatory states except that the commission may upon a determination of need and with the unanimous approval of its membership increase such license and issuing fee. The individual signatory states or their issuing agents may retain a recording fee of up to 50 cents for each license issued. Forms for such license shall be provided to the signatory states by the commission. Such

license shall be a legal prerequisite for any person including minors fishing for or possessing Atlantic salmon in the waters or on the shores of the Connecticut river and all of its tributaries. In addition to said Connecticut River Basin Atlantic Salmon License, all persons, except those specifically exempted because of age, disability or other limitation as determined by statute or regulations of the individual signatory states shall be required to possess a valid resident or non-resident sport fishing license issued by the state in which such person is fishing. The commission shall recognize that in certain waters or sections of waters a daily rod permit may also be required, such daily rod permit to be issued by the state in which such waters or sections of waters are located, however, the signatory states shall not, by fee, distinguish between residents and non-residents. The authority to limit the numbers of persons fishing for Atlantic salmon in certain tributaries or sections of certain tributaries shall remain the prerogative of the individual signatory states.

The respective police agencies of the signatory states shall have the authority to enforce all of the regulations and license requirements of the commission any place in the Connecticut River Basin.

The commission shall have the authority to accept gifts, state grants and federal funds. The commission shall have the authority to expend money from fees collected for Connecticut River Basin Atlantic Salmon Licenses or from such other funds available to the commission to finance the cost of stocking, management or research carried on by signatory states to further the purposes of this compact. Such funds shall be in the form of direct grants to the agency of such state charged with the management of the fisheries resources and may be up to 100 percent of the cost of projects approved by a majority vote of the commission.

Amend RSA 213-A:1, Article VIII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

ARTICLE VIII

No action shall be taken by the commission in regard to its general affairs except by affirmative vote of a majority of members present at any meeting, provided there is a quorum. A quorum shall consist of a simple majority of all members of the commission. Provided, further, that no action shall be taken by the commission unless each signatory state is represented at any such meeting. No recommendation or allotment of grant funds shall be made by the commission except by the affirmative vote of a majority of the members.

Amendment adopted.

Referred to Appropriations.

HB 87, relative to the grant-in-aid program of the bureau of off highway recreational vehicles. Ought to Pass with Amendment.

The majority of the Committee on Transportation felt this legislation

would keep in step with Maine and Vermont in upgrading the OHRV industry. This industry generates twenty-four million dollars worth of business for the State of New Hampshire. Vote was 12-2. Rep. Kenneth C. Smith, Sr. for Transportation.

Amendment

Amend RSA 265:29-a, 1 as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

1. Annually on or before June 30 the state treasurer shall transfer, from road tolls collected, an amount equal to the number of licensed off highway recreational vehicles for the previous year times \$3, less any amount refunded for off highway recreational vehicle use for the previous year, to the bureau of off highway recreational vehicles of the department of resources and economic development. The bureau shall use 50 percent of the amount credited for grants under its grants-in-aid program, and 50 percent for general operating expenses and expenses incurred in administering and supervising the grant-in-aid program. Any balances in the funds hereby transferred shall not lapse at the end of the fiscal year but shall remain in the OHRV fund.

Amend the bill by striking out section 3 and inserting in place thereof the following:
3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Reps. Clark and Stimmell spoke in favor of the committee report.

Referred to Appropriations.

HB 200, authorizing the exchange of a pheasant egg incubator for 3 years with the state of Massachusetts for 1800 pheasants. Ought to Pass with Amendment

Enables Fish and Game Department to trade one used incubator for 1800 pheasants with the State of Massachusetts. Amendment changes effective date from 60 days after passage to "upon passage." Vote was 20-0. Rep. John H. Stimmell for Fish and Game.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:
2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 89, providing a penalty for disclosure of confidential department of revenue administration records. Inexpedient to Legislate.

Committee feels that under present statutes this bill is unnecessary as citizens are properly protected and evidence of abuse in confidentiality records was not presented at the public hearing. Unanimous vote of the

Committee. Rep. Daniel J. Healy for Judiciary.

Rep. Bosse moved that HB 89 be recommitted to the Committee on Judiciary and spoke to his motion.

Motion adopted.

Recommitted to the Committee on Judiciary.

HB 250, relative to collection of support payments by probation officers. Ought to Pass.

Probation Department should not be a collection agency except where a legitimate state interest is concerned. Would free employees to do probation work, rather than spend time on private support collections. Vote was 16-0.

Rep. Anthony A. McManus for Judiciary.

Rep. Bosse moved that HB 250 be recommitted to the Committee on Judiciary and spoke to his motion.

Motion adopted.

Recommitted to the Committee on Judiciary.

HB 106, providing for the acquisition of a certain dam and water rights by the fish and game department. Ought to Pass with Amendment.

The objectives of the bill remain unchanged. The amendment serves the purpose of clarifying the language and reducing the length of the bill as originally written. Vote 17-0. Rep. Giles Low, II for Resources, Recreation and Development.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Dam and Water Rights; Acquisition Authorized. Amend RSA by inserting after RSA 482-N the following new chapter:

CHAPTER 482-O

Acquisition of a Certain Dam and Water Rights

482-O:1 Acquisition Authorized. For a consideration of \$1 the New Hampshire department of fish and game is authorized to accept conveyance and attendant easements from the owner of the following described property for the purpose of improving and controlling certain water rights for smelt spawning and for the fishing season for the benefit of the state: the 1/4 acres more-or-less abutting Lucas pond in Northwood including the dam thereon necessary for the rebuilding of Lucas pond dam.

482-O:2 Easement and Dam Construction. The department of fish and game is authorized to rebuild and maintain said dam subject to water resources board specifications. The funding for the construction shall be accomplished under the Dingell-Johnson federal aid program, P.L. 81-681.

The department of fish and game is authorized to accept from any abutting landowners an easement to provide

construction road access to the dam site.

482-O:3 Tax Exemption. The properties authorized to be acquired by the department of fish and game by this chapter for the benefit of the state shall be exempt from taxation as long as said properties are held by the state.

2 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Referred to Appropriations.

HB 67, amending the definition of the term "walking disability" in the motor vehicle laws. Ought to Pass with Amendment. Committee feels definition of "walking disability" should be expanded to include those disabled people who are mobility impaired but do not need a walking aid. Unanimous vote. Rep. Robert H. Day for Statutory Revision.

Amendment

Amend RSA 260:18-a, IV as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

IV. In this section, "walking disability" means a permanent impairment which prevents or impedes walking which shall include but not be limited to an impairment which prevents walking and requires use of a wheelchair; an impairment which involuntarily causes difficulty or insecurity in walking or climbing stairs with or without the need to use braces, crutches, canes or artificial support; an impairment caused by amputation, arthritis or other orthopedic condition; or an impairment in respiratory, circulatory or neurologic health which limits the person's walking capability.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 90, eliminating certain responsibilities of the department of revenue administration in relation to the boat tax. Ought to Pass with Amendment.

Passage of this bill allows the Division of Motor Vehicles to forward tax receipts directly to the State Treasurer, and further directs the State Treasurer to distribute the amount of boat tax on October 1 of each year through the previous June 30, as certified to him by the Director of Division of Motor Vehicles. Vote 15-0 (with 3 absent). Rep. K. Michael Tavitian for Transportation.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Distribution. Amend RSA 72-A:5 (supp) as inserted by 1978, 12:1 by striking out said section and inserting in place thereof the following:

72-A:5 Distribution. On October 1 of each year, the state treasurer shall distribute the amount of the boat tax collected through the previous June 30 on boats registered pursuant to RSA 270:3, to the city or town in which the boat was registered, as certified to him by the director of the division of motor vehicles.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 104, relative to local highway safety programs in certain village districts. Ought to Pass with Amendment.

This bill specifies that village districts located in towns will be reimbursed with federal funds for local highway safety programs approved by the Governor in accordance with the Federal Highway Safety Act of 1966. Vote 12-0 (6 absent). Rep. K. Michael Tavitian for Transportation.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to local highway safety programs in certain village districts and school districts.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I. Reimbursement to Village and School Districts. Amend RSA 239-B:6 as inserted by 1967, 333:1 as amended by striking out said section and inserting in place thereof the following:

239-B:6 Local Highway Safety Programs.

I. The towns, village districts, school districts, cities and counties are hereby authorized to establish highway safety programs.

II. A school district providing comprehensive driver training programs in accordance with the federal statutory provisions assented to in and under RSA 239-B:2 shall be eligible for reimbursement of federal funds apportioned to this state for such programs. A school district shall mean a town school district, a special school district, an incorporated school district operating within a city, a city operating a dependent school department, a cooperative school district, and an authorized regional enrollment (AREA) school.

III. Each political subdivision enumerated herein which implements highway safety programs approved by the governor in accordance with the Highway Safety Act of 1966 is eligible for reimbursement of federal funds apportioned to this state for such programs.

2 Repeal. RSA 239-B:6-a relative to school districts establishing highway safety programs is hereby repealed.

3 Effective Date. This act shall take effect upon passage.

Amendment adopted.

Ordered to third reading.

HB 117, excepting tar kettles and conveyors from the requirement for brakes on trailers. Ought to Pass with Amendment.

This bill further exempts tar kettles, conveyors, road rollers, sweepers, and thawing devices from the 3000 pound or more brake law. Vote 14-1. Rep. K. Michael Tavitian for Transportation.

Amendment

Amend RSA 263:7 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

263:7 Trailers and Semi-Trailers. No motor-vehicle trailer or semi-trailer, the weight of which, including its load, is 3,000 pounds or more, shall be operated on the highways of this state unless equipped with adequate brakes in good working order and sufficient to control the said vehicle at all times. No house trailer weighing in excess of 1,500 pounds shall be operated on the highways of this state unless so equipped. This section shall not apply to wood-sawing machines, cement mixers, compressors, tar kettles, conveyors, or to devices of 2 wheels used by public utilities for the transportation of cables or poles not exceeding 6 in number, road rollers and sweepers, thawing devices, or to refreshment booths on wheels towed not more than 2 miles at any one time.

Rep. Tavitian yielded to questions.

Amendment adopted.

Ordered to third reading.

SIX-DAY EXTENSIONS GRANTED

HB 68, establishing a legislative committee to study the feasibility of the state preserving farm land by the purchase of land, development rights or easements and making lands so preserved available for agricultural purposes by lease back or renting to bona fide farm operators. (Environment and Agriculture)

HB 31, relative to prorating motor vehicle permit fees. (Municipal and County Government)

HB 170, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 21 years. (Regulated Revenues)

HB 171, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 20 years. (Regulated Revenues)

HB 245, relative to commissions on pari-mutuel wagering pools, and taxes thereon. (Regulated Revenues)

HB 60, to increase the discounts allowed on the prices of liquor and wine sold to hotels and clubs by the liquor commission. (Regulated Revenues)

SUSPENSION OF RULES

Rep. Tucker moved that the rules be so far suspended so as to permit the committee report on SB 46, increasing the authorization of dredging Hampton harbor, to be considered at the present time without the required two-day notice in the Calendar and spoke to his motion.

Rep. LaMott spoke in favor of the motion.
Adopted by the necessary two-thirds.

COMMITTEE REPORT

SB 46, increasing the authorization of dredging Hampton harbor. Ought to Pass. This bill increases the authorization for dredging Hampton harbor by \$200,000. Under regulations set forth by the Environmental Protection Agency, all dredging in the harbor must cease on April 1. Therefore, this bill should be acted on as quickly as possible. Unanimous vote of those present. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on Thursday, March 8 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 225, relative to the authority of Franklin Pierce Law Center to confer degrees.

HB 147, relative to the ocean rearing of anadromous fish.

HB 200, authorizing the exchange of a pheasant egg incubator for 3 years with the state of Massachusetts for 1800 pheasants.

HB 98, eliminating liability of landowner allowing persons to cut firewood on his land under sharecropper arrangement.

HB 168, increasing the time frame for certain hearings.

HB 184, legalizing the Holderness school district meeting of March 8, 1978.

HB 206, relative to licensing fees for the registration of dogs owned by persons 65 years of age and older.

HB 215, relative to acceptance of village district roads by municipalities.

HB 217, relative to municipal budget law submission forms.

HB 234, legalizing the town meeting of Hudson.

HB 220, relative to bonds required on contracts involving public works.

HB 67, amending the definition of the term "walking disability" in the motor vehicle laws.

HB 90, eliminating certain responsibilities of the department of revenue administration in relation to the boat tax.

HB 104, relative to local highway safety programs in certain village districts and school districts.

HB 117, excepting tar kettles and conveyors from the requirement for brakes on trailers.

HB 27, guaranteeing freedom of speech, right of criticism and disclosure for all state employees.

HB 131, relative to the disposition of fines collected for making false statements in procuring fish and game licenses.

HB 221, relative to contracts by the department of public works and highways.

HB 161, relative to authorization by town meetings for expenditure of monies made available to towns during the year.

SB 46, increasing the authorization of dredging Hampton harbor.

Rep. French moved that the House stand in recess from time to time for the sole purpose of introducing bills and enrolling reports and when the House adjourns, it be to meet Thursday, March 8 at 1:00 p.m.

Adopted.

RECESS

ENROLLED BILLS REPORT

SB 46, increasing the authorization for dredging Hampton harbor.

Sen. Laurier Lamontagne
For the Committee

(Rep. French in the chair)

Rep. Lyons offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 528 through 555 and HBI 2004 and 2005 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS AND HBIs

First, second reading and referral

HB 528, relative to granting grandparents visitation rights of minor children. (Skinner of Rockingham Dist. 3A; Boucher of Rockingham Dist. 3; Rogers of Rockingham Dist. 10; Townsend of Sullivan Dist. 1 - To Judiciary)

HB 529, relating to the powers of the commissioner of public works and highways. (White of Hillsborough Dist. 27; Ward of Grafton Dist. 1 - To Transportation)

HB 530, to provide a local option for supplemental appraisal, assessment and taxation of new real estate. (Wight of Hillsborough Dist. 10; Head of Hillsborough Dist. 10; Wallin of Hillsborough Dist. 16 - To Municipal and County Government)

HB 531, relative to the application and expenditure of federal funds and making an appropriation therefor. (Ward of Grafton Dist. 1; Nardi of Hillsborough Dist. 27; Kidder of Merrimack Dist. 1 - To Legislative Administration)

HB 532, relative to issuing New Hampshire birth certificates to foreign-born children adopted in this state. (Rice of Merrimack Dist. 20; Flynn of Hillsborough Dist. 15 - To Statutory Revision)

HB 533, eliminating the reduction in teachers' retirement benefits due to receipt of Social Security benefits. (Brack of Hillsborough Dist. 28 - To Education)

HB 534, requiring pharmacists to maintain a patient profile system. (Epstein

of Merrimack Dist. 15; Kaklamanos of Hillsborough Dist. 21 - To Commerce and Consumer Affairs)

HB 535, relative to the renewal of registration of pharmacists. (Epstein of Merrimack Dist. 15; Kaklamanos of Hillsborough Dist. 21 - To Commerce and Consumer Affairs)

HB 536, relative to the right of employees to freely decide whether to support labor organizations. (Dickinson of Carroll Dist. 2; Johnson of Cheshire Dist. 3; Eaton of Cheshire Dist. 11; Nelson of Rockingham Dist. 10; Desjardins of Carroll Dist. 2; Tripp of Strafford Dist. 15; Matheson of Belknap Dist. 1; Keller of Carroll Dist. 5; Murray of Hillsborough Dist. 3; Aris of Hillsborough Dist. 14; Pantelakos of Rockingham Dist. 23; White of Cheshire Dist. 7; Ernst of Cheshire Dist. 8; O'Connor of Cheshire Dist. 3; Wood of Grafton Dist. 14; Dolbec of Hillsborough Dist. 14; Riley of Hillsborough Dist. 26; Shepard of Merrimack Dist. 4; Clements of Merrimack Dist. 1; Chagnon of Hillsborough Dist. 23; Clark of Grafton Dist. 5; Labombarde of Hillsborough Dist. 16; Boucher of Merrimack Dist. 6; Sytek of Rockingham Dist. 5; Randlett of Merrimack Dist. 10; Hunt of Coos Dist. 2; Matson of Cheshire Dist. 6; Granger of Hillsborough Dist. 13; McAvoy of Grafton Dist. 1; Heath of Carroll Dist. 3; Baker of Hillsborough Dist. 14; Locke of Merrimack Dist. 6; Sanders of Belknap Dist. 4; Hardy of Hillsborough Dist. 5; Seely of Grafton Dist. 10; Sen. Monier of Dist. 9; Sen. Poulsen of Dist. 2; Sen. Brown of Dist. 19; Sen. Sanborn of Dist. 17 - To Labor, Human Resources and Rehabilitation)

HB 537, relative to hazardous substances liability. (Sanders of Belknap Dist. 4; Dickinson of Carroll Dist. 2 - To Environment and Agriculture)

HB 538, increasing the rate of the business profits tax and granting various rate reductions for business organizations engaging in certain energy and resource conservation activities. (Blakeney of Merrimack Dist. 17; Bowler of Belknap Dist. 3 - To Ways and Means)

HB 539, relative to defenses to possessory actions. (Quimby of Rockingham Dist. 4; Lyons of Hillsborough Dist. 13; Parr of Rockingham Dist. 12; Crory of Grafton Dist. 13; Hanson of Belknap Dist. 5 - To Commerce and Consumer Affairs)

HB 540, relative to the division of records management and archives. (Plourde of Merrimack Dist. 7 - To Executive Departments and Administration)

HB 541, requiring reconsideration of the formula used to apportion costs among pre-existing districts in a cooperative school district. (Nichols of Merrimack Dist. 3; Humphrey of Merrimack Dist. 11; Keller of Carroll Dist. 5; Sen. Allen of Dist. 7 - To Education)

HB 542, providing for the defense and indemnification of county officers and employees against certain claims. (Hartford of Rockingham Dist. 17; Bibbo of Merrimack Dist. 2; Peterson of Rockingham Dist. 22; Myers of Rockingham Dist. 16; Wilson of Rockingham Dist. 2; Flanagan of Rockingham Dist. 6; Griffin of Rockingham Dist. 19; Pevear of Rockingham Dist. 12 - To Municipal and County Government)

HB 543, permitting a city or town to require a payment for each lot in a subdivision upon subdivision approval. (Cate of Merrimack Dist. 14 - To Municipal and County Government)

HB 544, relative to unclassified state employees. (Cate of Merrimack Dist. 14 - Executive Departments and Administration)

HB 545, changing the name of the division of mental health to the division of mental health and developmental services. (Epstein of Merrimack Dist. 15 - To Health and Welfare)

HB 546, repealing the requirement that all homeowners' insurance policies must contain workmen's compensation coverage. (Lessard of Strafford Dist. 20; Wiggins of Sullivan Dist. 8; Vlack of Rockingham Dist. 9 - To Labor, Human Resources and Rehabilitation)

HB 547, authorizing cities and towns to control the timing of development and to impose temporary development moratoria. (Wight of Hillsborough Dist. 10 - To Municipal and County Government)

HB 548, relative to cremation of dead bodies. (Girolimon of Hillsborough Dist. 30 - To Health and Welfare)

HB 549, relative to suspending an individual from receiving welfare assistance if property is transferred to receive welfare assistance. (Murray of Hillsborough Dist. 3 - To Health and Welfare)

HB 550, repealing the penalty for misuse of a special circumstance grant. (Murray of Hillsborough Dist. 3 - To Health and Welfare)

HB 551, relative to permanent disability and retirement of supreme and superior court justices. (Jones of Rockingham Dist. 13 - To Executive Departments and Administration)

HB 552, relative to mental health insurance benefits. (Close of Cheshire Dist. 14 - To Commerce and Consumer Affairs)

HB 553, expanding the use of the forest improvement fund to include improvements to state parks. (Boucher of Merrimack Dist. 6 - To Resources, Recreation and Development)

HB 554, relative to the immunization of school children. (Close of Cheshire Dist. 14 - To Education)

HB 555, establishing a hazardous waste management program. (Greene of Rockingham Dist. 17; Sanders of Belknap Dist. 4; Gibbons of Rockingham Dist. 4 - To Environment and Agriculture)

HBI 2004, establishing within state government an energy office to replace the governor's council on energy. (Stahl of Hillsborough Dist. 17 - To Science and Technology)

HBI 2005, establishing a restaurant or coffee shop next to each liquor store in Hooksett. (Granger of Hillsborough Dist. 13 - To Public Works)

Rep. Lyons moved that the House adjourn.
Adopted.

HOUSE JOURNAL 13

Thursday 8Mar79

The House met at 1:00 p.m.

Prayer was offered by Guest Chaplain, Rev. Richard W. Moore of the Raymond United Methodist Church.

We ask the blessing of a good and loving God, a God of justice and integrity, upon the deliberations of this house, its decisions, and the relationships among its members.

Rep. Granger led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Hoar, Fisher, Cotton, Hebert, John Winn, Allen Wilson, James White, Emma Wheeler, Ralph, Edward Smith and Russell, the day, illness.

Reps. Desjardins, Towle, Beard, Griffin, Canney, Vartanian, Madigan, Stylianos, Wood, Raymond Dupont, Peters, Bosse, Crotty, Willey, Newman and D'Amante, the day, important business.

INTRODUCTION OF GUESTS

Members of the Plus Company retraining program of Nashua, guests of Reps. Mulligan and Pappas.

SUSPENSION OF RULES

Rep. French moved that the rules be so far suspended so as to permit the introduction of a resolution without the required two-day notice in the Calendar.

Reps. French and Spirou spoke in favor of the motion.

Adopted by the necessary two-thirds.

Reps. Roberts, French, Tucker, Spanos, Wilfrid Boisvert, Carswell, Chase, Joseph Cote, Dickinson, Gary Dionne, Gould, Granger, Kidder, LaMott, Lessard, McLane, Nardi, Nighswander, Paire, Palmer, Plourde, Sanders, Wiviott, Kaklamanos, Dearborn, Kane, Blakeney, Ronald Chagnon, Dolbec, Cahill, Gerald Smith, Walter, Soucy, Fred Murray, Valley, Gabrielle Gagnon, Waters, Ward, Blake, Skinner, Lowmes, Silva, Peterson, Roland Lemire, Baybutt, Heath, Howard, Mulligan, Boyer, Whitehead, Stimmell, Joseph Flynn, Krasker, Horton, Nadeau, Vaughan, Flanagan, Welch, Arris, David Campbell, Morrison, Jackson, Wallin, Norman Myers, Stickney, Woodman, Eliot Ware, Morrisette, Pappas, Reese, Nichols, Head, Leonard Smith, Aeschliman, Freda Smith, Appel, Vrakatitsis, Margaret Ramsay, Holliday, Yvette Chagnon, Roy Davis, Christy, Beverly Gage, Hall, Marilyn Campbell, Mitchell, Roger King, Blanchette, Dennis Ramsey, Doris Rilev, Clements, Proulx, Lucas, DeNafio, Low, Carl Gage, Hartford, Newell, Rodgers, Morin, Bibbo, Van

Loan, Townsend, Laurent Boucher, Keenan, Logan, Joseph MacDonald, Polak, Meader, William Riley, Hendrick, Podles, Scranton, O'Connor, Taffe, Wiswell, Hardv, Miller, Birch, Spirou, Packard, L. Pennv Dion, Waters, Donald Smith, Shepard, Allgever, Jesse Davis, Vlack, Ladd, Plomaritis, Brungot, Selway, Stokes, Helen Wilson, James Humphrev, Collins, Daniel Eaton, Dunfey, Carpenito and Heald offered the following:

HOUSE RESOLUTION NO. 13

the Crane resolution.

WHEREAS, the great state of New Hampshire highly values its first in the nation Presidential Primary, and

WHEREAS, the citizens of New Hampshire have and always will extend warm hospitality to all national candidates visiting our state, and

WHEREAS, the March 8, 1979 edition of the Manchester Union Leader contains 134 inches of totally unsubstantiated allegations amounting to a grossly unfair and vituperative personal attack on Congressman Philip Crane, an announced presidential candidate, and his wife Arlene, and

WHEREAS, publisher William Loeh carefully calculated the publication of this attack to coincide with the appearance of Congressman Crane before the New Hampshire House of Representatives today, and

WHEREAS, the use of such insulting tactics is an affront to Congressman Crane and to every citizen of New Hampshire, now therefore be it

RESOLVED, that the House of Representatives, in behalf of the people of New Hampshire, does hereby condemn this type of journalism and does extend its sincerest apologies to Congressman Crane for this slanderous attack and be it further

RESOLVED, that a copy of this resolution be transmitted to Congressman Crane.

The Assistant Clerk read the resolution. Adopted.

The Speaker introduced Congressman Philip Crane of Illinois, who addressed the House briefly:

Mr. Speaker, Mr. Majority Leader, Mr. Minority Leader, distinguished clergy, colleagues and the House of Representatives of this great state of New Hampshire:

What you have done at the opening of the session I thank you for in a way I can't properly express. My wife spent a sleepless night; my children spent a tearful breakfast; and I'm reminded of a quotation that I had from a sermon of a friend of mine. It's from the 84th Psalm and it says: "Blessed are the men whose strength is in Thee, in whose heart are the highways designed. As they go through the valley of Bacca, they make it a place of springs."

Now, the valley of Bacca, I am told, was a dry and desolate place, and on the basis of 19 prior visits to your fine state, I never viewed it as such. When I was confronted with the newspapers here, one

could have misjudged it, but you, in this great chamber, have made it a place of springs for me with all of you and with all of the fine people that I have had the great good fortune to meet in your state so far.

I would like to make just a couple of brief observations. The first is a quotation from a man that I think on a bi-partisan basis we can claim as a spiritual and political mentor, and that's Thomas Jefferson.

In his first inaugural, Thomas Jefferson, in describing what he viewed as "good government", stated: "A wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement and shall not take from the mouth of labor the bread of design. This is the sum of good government."

I would argue that you folks in this great body have demonstrated to the entire nation not only the wisdom of that counsel by Thomas Jefferson but you have made, in the process, a living example in your state for other states to emulate. I know that you receive very little pay -- very little pay at least in a remunerative sense, \$100 a session.

I frankly despaired when my own state chose to make full-time, year-round politicians out of our elected representatives, because in doing so, they foreclosed the opportunity to serve to many. It's only when you can be called upon to serve your state and serve the people of your community as you do, that this huge legislative assembly can work.

I am reminded a little bit of the quotation by Mark Hopkins as to what is good pedagogy. He said it was the teacher at one end of the log and the pupil at the other. And I think every citizen of New Hampshire has his own representative. But that is good representation.

Self-government was literally intended to mean governing oneself. And recognizing human frailty, the Founding Fathers, as you know, established a system of limited government. Preserving that, I think, is the essence of preserving a free society.

I have introduced a Constitutional Amendment that is not the one that calls for a balanced budget, but rather, one that calls for a limitation on total federal spending to a percentage of our personal or national income. I think this goes far toward restoring the concept of limited government, which we kind of threw out the window with the passage of the income tax amendment without simultaneously putting a ceiling on how much government could take.

And it was the distinguished Supreme Court Justice John Marshall who observed that "the power to tax involves the power to destroy." And so, if we do not get a cap -- some kind of ceiling, and I am open to discussion as to what that ceiling might be -- but if we don't get some kind of ceiling, then very soon better than 50 per cent of our earnings will be taken by government at all levels.

You have been in the vanguard of protecting your own people in the state of New Hampshire more than the overwhelming majority of other states. I congratulate

you for that, and I would only conclude by harkening to another individual who was a student of history before becoming President who stated: "The history of liberty is the history of limitation of governmental powers, never the increase of it. When we resist concentration of governmental power," he said, "we are resisting the power to death, for the destruction of human liberty has ever been preceded by concentration of governmental powers."

I am deeply honored. You have honored me; you have honored my wife; and you have honored my family. And again, as I say, I cannot convey to you properly my great sense of appreciation to you all.

Rep. French moved that Congressman Crane's remarks be printed in the Journal.
Adopted.

Rep. French moved that in accordance with the list in the possession of the Clerk, House Resolutions numbered 7 and 8 shall be by this motion read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE RESOLUTIONS First, second reading and referral

HR 7, relative to tax credits for utilizing wood burning or solar devices for conservation of fossil fuels and oil. (State-Federal Relations)

HR 8, relative to the designation of portions of the White Mountain National Forest as wilderness. (State-Federal Relations)

SENATE MESSAGE CONCURRENCE

HB 11, repealing the bounty on porcupines and the payment from the state treasury.

HB 12, repealing the provisions relative to unlicensed dogs killing game being killed by conservation officers.

HB 43, relative to the opening and closing of seasons on fur-bearing animals.

HB 41, relative to the state dog control law and providing for local option as to the adoption thereof.

HB 84, relative to increasing the salary of police commissioners of Wolfeboro.

HB 123, legalizing the proceedings establishing the Lamprev Regional Solid Waste Cooperative and authorizing the issuance of certain bonds of the town of Durham.

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the House adopt the amendments to HR's 94, 314 and 174, and further moved that the House adopt the committee recommendations of Ought to Pass with Amendment on HB's 94, 314 and 174, and further moved that the House adopt the committee recommendations of Ought to Pass on HB's 254, 207, 113, 307 and 139, and further moved that the House adopt the committee recommendations of Inexpedient to

Legislate on HB's 150, 191, 192, 233, 209, 210, 218, 31 and 284.

HB's 94, 314 and 174 were removed from the Consent Calendar at the request of Rep. Scamman.

HB 254 was removed from the Consent Calendar at the request of Rep. Marilyn Campbell.

HB 31 was removed from the Consent Calendar at the request of Rep. Rounds. Adopted.

HB 207, providing that eye enucleations be performed by trained persons, in addition to physicians and surgeons, under the anatomical gifts act. Ought to Pass.

The Committee felt that this was an excellent bill which would provide more eyes for the eye bank to restore the sight of many unfortunate blind persons. Committee vote was 13-0. Rep. James B. Craig for Health and Welfare.

HB 113, updating certain provisions of the law concerning municipal courts. Ought to Pass.

The unanimous vote of the Committee was that this bill would upgrade the procedures and personnel of municipal courts to the same standard as district courts. Vote was unanimous. Rep. Kenard F. Ayles for Judiciary.

HB 307, relative to patient employment at the New Hampshire Hospital. Ought to Pass.

The Committee agreed with this bill by a vote of 14-0. This bill will not alter practices at the New Hampshire Hospital. It removes obsolete reference to the Fair Labor Standards Act. This is a housekeeping measure. Rep. Kenneth H. Gould for Labor, Human Resources and Rehabilitation.

HB 139, to limit responsibility for local welfare pavements. Ought to Pass.

Very much needed to clarify the "settlement" problem and set forth a clear-cut definite process to control the situation. Vote was 14-1. Rep. Anthony Pepitone for Municipal and County Government.

HB 150, relating to insurance premiums on automobiles equipped with air bags. Inexpedient to Legislate.

Insurance companies can now offer 30 per cent discounts on automobiles equipped with air bags. Committee saw no need to increase it to 50 per cent. Total savings on an insurance premium would be only \$3.00 a year. Committee vote was 13-0. Rep. David L. Gelinas for Commerce and Consumer Affairs.

HB 191, relative to the certification of New Hampshire building inspection officials. Inexpedient to Legislate.

According to testimony there are only 20 full-time building inspectors in New Hampshire. Bill did not address part-time inspectors. Committee saw no necessity to create a new Board of Registration for 20 people, and further agreed that building inspectors should remain under local jurisdiction. Vote

was 13-0. Rep. Claire Plomaritis for Commerce and Consumer Affairs.

HB 192, relative to the ownership of pharmacies. Inexpedient to Legislate.

Committee voted unanimously feeling that this bill as written was not in the interest of the consumer as it tends to limit competition. Vote was 13-0. Rep. Catherine G. Lamv for Commerce and Consumer Affairs.

HB 233, providing for the regulation of water treatment plant operators. Inexpedient to Legislate.

The New Hampshire Safe Drinking Water Act provides adequate safety measures including quality control monitoring and testing procedures and standards. The Water Supply and Pollution Control Commission stipulates the frequency of collecting and submitting samples for bacteria analysis ranging from one per month for population of 25 - 1,000 to 150 times per month for population of 220,001 to 750,000. Committee vote was 13-0. Rep. Claire Plomaritis for Commerce and Consumer Affairs.

HB 209, relative to compensation for temporary partial disability. Inexpedient to Legislate.

The Committee voted 13-1 that this bill does not improve our Workers' Compensation Law. It would increase Workers' Compensation costs and benefit very few injured parties. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

HB 210, relative to reviews of eligibility for compensation. Inexpedient to Legislate.

The Committee voted 13-1 that this bill does not improve our Workers' Compensation Law. If passed, this bill would cut off some legitimate claims. Present law allows rehearings and requalifications for claims beyond four years. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

HB 218, relative to payment for special detail work by police officers. Inexpedient to Legislate.

The Committee voted 14-0 that this bill is not needed. The problem is already addressed in RSA 275:43 with sufficient and adequate provisions for taking care of payment of wages. Rep. Robert W. Wheeler for Labor, Human Resources and Rehabilitation.

HB 284, relative to requiring all public buildings to be equipped with thermopane glass or storm windows. Inexpedient to Legislate.

Although the intent, conservation of energy, of this bill is very commendable it is the opinion of the Committee that to mandate this expense in such a short time frame on the cities and towns would not be proper. Vote was 13-0. Rep. Roland D. Martineau for Public Works.

COMMITTEE REPORTS
(Regular Calendar)

HB 28, relative to actions to recover real estate commissions. Inexpedient to Legislate.

Committee feels that this is an anti-consumer bill and was prompted for the sole protection of a regulated profession, real estate brokers and salesmen. It would eliminate the competition that exists with open listings, which is all that the intent of this bill does. Vote was 15-0. Rep. George H. Baker, Sr. for Commerce and Consumer Affairs.

Resolution adopted.

HB 79, relative to real estate listing agreements. Inexpedient to Legislate.

This bill has the same intent as HB 28. All testimony and research points to the protection of the broker only, and would put every seller (the consumer) in jeopardy and relieve the broker of the better part of his responsibility of his doing his best to not misrepresent the real estate to any buyer. Vote was 13-2. Rep. George H. Baker, Sr. for Commerce and Consumer Affairs.

Rep. Gibbons moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Burns and Morgan spoke against the motion.

Reps. Crory, David Campbell and Leonard Smith spoke in favor of the motion and yielded to questions.

Rep. Baker spoke against the motion and yielded to questions.

Rep. Crory spoke a second time in favor of the motion.

Reps. Quimby and Dolbec spoke against the motion.

Rep. French moved the previous question. Sufficiently Seconded. Adopted.

Question being on the substituted motion, Ought to Pass.

Rep. Leonard Smith requested a roll call. Sufficiently seconded.

(Speaker presiding)
YEAS 101 NAYS 232
YEAS 101

BELKNAP: Bowler, Michael Hanson, Hildreth, Nighswander and Sabbow.

CARROLL: Keller.

CHESHIRE: Matson, Miller and Scranton.

COOS: Elmer Beaulac, Chappell, Fortier, Bradley Haynes and Alcide Valliere.

GRAFTON: Chambers, Copenhaver, Crory, Dearborn, Michael King, Low, McIver and Taffe.

HILLSBOROUGH: Archambault, Burkush, Carswell, Corser, Catherine-Ann Day, Drewniak, Beverly Dupont, Nancy Gagnon,

Hall, Head, Jamrog, McLaughlin, Nardi, Nemzoff-Berman, Podles, Proulx, David Ramsav, Peter Ramsey, Roy, Sallada, Silva, Leonard Smith, James Sullivan, Vachon, Welch and M. Arnold Wight.

MERRIMACK: Blakeney, Bodi, Carroll, Holliday, Paire, Randlett, Stio, Stokes, Rick Trombly, Underwood and Waters.

ROCKINGHAM: Aeschliman, Benton, Blanchette, Collins, Connors, Dunfey, Carl Gage, Gibbons, Gould, Greene, Hartford, Keenan, Krasker, Laycock, Loveioy, McEachern, Newell, Pevear, Pucci, Quimby, Skinner, Vlack, Warburton and Wojnowski.

STRAFFORD: Ronald Chagnon, DeNafio, Charles Grassie, James Herchek, Joos, Pine, Schreiber, Vaughan, Whitehead, Allen Wilson and Winkley.

SULLIVAN: Brodeur, David Campbell, Cutting, Spanos, Tucker and Williamson.

NAYS 232

BELKNAP: Birch, Borgeau, Gary Dionne, French, Mansfield, Matheson, Morin, Randall and Sanders.

CARROLL: Roderick Allen, Chase, Dickinson, Heath, Howard, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Baybutt, Callahan, Close, Crane, Jesse Davis, Daniel Eaton, Eisengrein, Ernst, Galloway, Gordon, Johnson, Kohl, Ladd, Lynch, Moore, Nims, O'Connor, Proctor, Margaret Ramsay, William Rilev, Vrakatitsis and Jean White.

COOS: Bouchard, Brungot, Burns, Horton, Hunt, George Lemire, Oleson, Richardson, Theriault, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Gate, Christy, Foster, LaMott, Logan, Lownes, Mann, McAvoy, Pepitone, Rounds, Seely, Snell, Thomson, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Ainley, Arris, Aubut, Baker, Emile Boisvert, Wilfrid Boisvert, Bover, Yvette Chagnon, Compagna, Corey, Joseph Cote, Coutermarsh, Craig, L. Penny Dion, Dolbec, Donovan, Clyde Eaton, Joseph Eaton, Peter Flynn, Gabrielle Gagnon, Gelinas, Granger, Sal Grasso, Guidi, Hardy, Heald, Healy, Hendrick, Howard Humphrev, Thomas Hynes, Kaklamanos, Karnis, Keefe, Labombarde, Lamv, Lefebvre, Roland Lemire, Levesque, Lyons, Marcoux, Martel, Martineau, Mazur, Milton Meyers, Morgan, Morrison, Fred Murray, Naro, Odell, Aime Paradis, Peter Parady, Pastor, Pelletier, Perkins, Plomaritis, Polak, Record, Reidy, Richards, Soucy, Steiner, Francis Sullivan, Thibeault, Van Loan, Eliot Ware, Weaver, Kenneth Wheeler, Robert Wheeler, Cecelia Winn and Zajdel.

MERRIMACK: Allgever, Avles, Bellerose, Bibbo, Laurent Boucher, John Gate, Clements, Colby, Daniell, Epstein, James Humphrev, Kidder, LaBranche, Locke, McLane, Mitchell,

Nichols, O'Neill, Packard, Rice, Doris Riley, Selway, Shepard, Gerald Smith, Stockman, Ernest Valliere and Wiviott.

ROCKINGHAM: Appel, Blake, William Boucher, Butler, Cahill, Marilyn Campbell, Carpenito, Patricia Cote, Roy Davis, Ellyson, Felch, Flanagan, Joseph Flvnn, Beverly Gage, Jackson, Jones, Kane, Kashulines, Roger King, Kozacka, Landrv, Leslie, LoFranco, Joseph MacDonald, Norman Myers, Pantelakos, Parolise, Parr, Peterson, Reese, Rogers, Scamman, Schmidtchen, Schwaner, Splaine, Stickney, Stimmell, Sytek, Tavitian and Helen Wilson.

STRAFFORD: Woodman, Demers, Drew, Farnham, Gauvin, Gosselin, Dianne Herchek, Lessard, Maglaras, Meader, Morrissette, Nadeau, Prav, Preston, Dennis Ramsey, Robinson, Donald Smith, Tripp and Valley.

SULLIVAN: Burrows, Domini, Sim Gray, LeBrun, Palmer, Spaulding, Townsend and Wiggs, and the motion lost.

Rep. Tucker notified the Clerk that he inadvertently voted yea and wished to be recorded as voting nay.

Resolution adopted.

HB 111, repealing certain exclusions of the business takeover act. Inexpedient to Legislate.

The existing regulatory procedure governing acquisition of banks affords adequate avenues of appeal for dissidents to express objections. Vote was 11-3. Rep. George H. Baker, Sr. for Commerce and Consumer Affairs.

Resolution adopted.

HB 185, concerning waivers from participation in the school lunch program. Ought to Pass with Amendment.

Committee vote was 10-6 in favor of allowing the State Board of Education to grant waivers from compliance with the school lunch program in cases of documented hardship. This will provide flexibility that is lacking under the present statute. Upon enactment of HB 185, the State Board may grant waivers, but is not required to do so unless there are convincing reasons to delay implementation. Rep. Elaine S. Krasker for Education.

Rep. Boucher moved that HB 185 be recommitted to the Committee on Education and spoke to his motion.

Adopted.

Recommitted to the Committee on Education.

HB 253, relative to requiring executive departments to keep organization charts and manuals. Ought to Pass with Amendment.

The Committee thought that the basic concept of requiring organization charts would ensure additional knowledge and information available to the Legislature and general public concerning state agencies. Because of a concern about the minimal cost involved, the Committee

felt that the Committee on Appropriations should review the bill. Vote was 15-0. Rep. Peter E. Ramsey for Executive Departments and Administration.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Organization Charts and Manuals.

Amend RSA 541-A:2, I as inserted by 1973, 507:1 by striking out said paragraph and inserting in place thereof the following:

I. In addition to other rule-making requirements imposed by law, each agency shall:

(a) adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests;

(b) adopt rules of practice setting forth the nature and requirement of all formal and informal procedures available, including a description of all forms and instructions used by the agency;

(c) file with the director of legislative services in accordance with this chapter all rules and all other written statements of policy or interpretations formulated, adopted or used by the agency in the discharge of its functions;

(d) file with the director of legislative services all declaratory rulings issued under RSA 541-A:8.

(e) file with the director of legislative services and update every 6 months a complete organization chart with an accompanying manual.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 273, relative to administrative procedures. Ought to Pass.

This bill provides for legislative review of state agency rule making as a part of the Sunset procedure (RSA 17-G). It should bring agency rulemaking into compliance with Administrative Procedures Act, adding an analysis of and a stated need for each rule promulgated. Vote was 15-0. Rep. Sara M. Townsend for Executive Departments and Administration.

Ordered to third reading.

HB 318, relative to electricians on projects supervised by the New Hampshire department of public works and highways. Ought to Pass with Amendment.

This bill with amendment clarifies the existing law allowing highway traffic controlmen to do what they have been doing all along. It also permits the laying of conduit or pipe in highway construction to be done by a laborer, but not including wiring. Vote was 13-1. Rep. Lawrence G. McLaughlin for Public Works.

Amendment

Amend RSA 319-C:3, X as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

X. Any electrical work and equipment employed in connection with the construction, installation, operation, repair or maintenance of any public highway, including traffic devices thereon by employees of any unit of government having a responsibility for the highway; or an independent contractor employed by any unit of government installing, constructing or maintaining any conduit or piping for an electrical system associated with a highway.

Amendment adopted.

Ordered to third reading.

HB 271, authorizing the New Hampshire Society for the Prevention of Cruelty to Animals to hold property in an amount not to exceed \$500,000. Ought to Pass with Amendment.

Committee recommends that HB 271 be amended to remove any limitation on holdings. This is a housekeeping measure. Internal Revenue Service now supervises non-profit organizations. Unanimous vote of the Committee. Rep. Henry L. Naro for Statutory Revision.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing the New Hampshire society for the prevention of cruelty of animals to hold property with no limitation.

Amend the bill by striking out section one and inserting in place thereof the following:

1 Chapter Amendment. Amend section 2 of chapter 179 of the laws of 1874 as amended by chapter 112 of the session laws of 1875 and chapter 277 of the laws of 1919 by striking out in line 3 the words "in a sum not exceeding two hundred thousand dollars" and inserting in place thereof the following (with no limitation) so that said section as amended shall read as follows:

SECT. 2. Said society may hold real or personal property, which it may acquire by gift, purchase or otherwise with no limitation.

Amendment adopted.

Ordered to third reading.

HB 279, providing for the disposal of personalty from state agency storage rooms. Refer to the Committee on Statutory Revision for Interim Study.

Following testimony by State Treasurer, Robert Flanders, a number of questions developed as to how all state agencies now handle abandoned and lost property. He and the Committee recommend that the

bill be referred to the Committee on Statutory Revision for interim study. Unanimous vote of the Committee. Rep. Natalie S. Flanagan for Statutory Revision.

Referred to the Committee on Statutory Revision for Interim Study.

HB 94, prohibiting certain advertising expenditures by electric and gas public utilities regulated by the public utilities commission. Ought to Pass with Amendment.

This bill, as amended, gives the Public Utilities Commission authority to regulate advertising by electric and gas utilities, using the guidelines of the National Energy Act of 1978. It also requires the Public Utilities Commission, pursuant to public hearing, to define certain advertising categories. Committee vote was unanimous 16-0. Rep. David L. Gelinis for Commerce and Consumer Affairs.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

requiring the public utilities commission to regulate advertising by electric and gas utilities.

Amend the bill by striking out section 1 and inserting in place thereof the following:
I Regulation of Advertising. Amend RSA 374 by inserting after section 7 the following new section:

374:7-a Regulation of Advertising.

I. The commission shall adopt rules in accordance with RSA 541-A and 16 USC 2623 concerning the expenditure of funds for advertising programs by electric and gas public utilities.

II. The commission, after public hearing, shall determine whether the expenditures for the following forms of advertisements as defined by the commission shall be included in or excluded from the utility's operating expenditures for rate making purposes:

- (a) "Conservation advertising";
- (b) "Environmental advertising";
- (c) "Goodwill advertising";
- (d) "Informational advertising";
- (e) "Load factor advertising";
- (f) "Political advertising";
- (g) "Promotional advertising"; and
- (h) "Rate justification advertising".

III. The commission shall prescribe the manner in which the source of funding shall be disclosed on each advertisement.

Amendment adopted.

Ordered to third reading.

HB 314, relative to the reporting of shortages to bank commissioner. Ought to Pass with Amendment.

This bill provides that the Bank Commissioner be notified by telephone within 24 hours by a bank when there is

a shortage of \$500 or more, and within 10 calendar days by certified mail. Subcommittee voted 3-0, Committee voted 13-0. Rep. Roger S. Wood for Commerce and Consumer Affairs.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

I Report of Shortages to Bank Commissioner. Amend RSA 384:36, as inserted by 1963, 145:1, by striking out said section and inserting in place thereof the following:

384:36 Report of Shortages to Bank Commissioner. Every shortage in funds of \$500 or more in any banking or lending institution under the supervision of the bank commissioner, shall, within 24 hours of discovery, be reported by telephone, and within 10 calendar days following the day of discovery, be reported in writing by certified mail to the bank commissioner by the treasurer of the institution in or with respect to which any such shortage occurs, or in the absence of said officer by the officer performing his duties.

Amendment adopted.

Ordered to third reading.

HB 254, prohibiting the "docking" of the tail of a horse. Ought to Pass.

This bill protects a horse's natural "fly swatter." Vote on report was 14-0. Rep. Myrtle B. Rogers for Environment and Agriculture.

Rep. Marilyn Campbell moved that HB 254 be recommitted to the Committee on Environment and Agriculture.

Adopted.

Recommitted to the Committee on Environment and Agriculture.

HB 174, granting additional law enforcement powers to boating inspectors to make arrests. Ought to Pass with Amendment.

The bill expands powers of boating inspectors to cover most violations that occur in their presence. The amendment provides for training in keeping with these expanded powers and also states that boating inspectors shall not be included in Group II retirement. Vote was 17-0. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend RSA 270:12-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

270:12-a Enforcement Powers Conferred.

I. The director of the division of safety services and his duly authorized representatives shall have all the powers of a deputy sheriff in all counties of the state in the enforcement of:

(a) The provisions of this chapter and the rules and regulations issued thereunder;

(b) The provisions of RSA 631:5, relative to operation of boats by a person under the influence of intoxicating liquor or a controlled drug or other unlawful

operation of boats thereunder and all other crimes and offenses occurring on the public bodies of inland waters of the state;

(c) The provisions of RSA 637:9, relative to unauthorized use of a motor boat or any boat or vessel propelled by sail or a paddle;

(d) The provisions of RSA 642:1, relative to interfering with a public servant; and

(e) The provisions of RSA 642:6, relative to escape from official custody.

II. The powers conferred on the director of the division of safety services and his duly authorized representatives pursuant to paragraph I, shall not authorize said personnel to be eligible for group II membership in the state's retirement system.

III. The director of the division of safety services shall prescribe the type and amount of training required for his duly authorized representatives to perform their duties under this section.

Amendment adopted.

Ordered to third reading.

HB 31, relative to prorating motor vehicle permit fees. Inexpedient to Legislate.

Because of other upcoming corrective legislation, this bill was found by the Committee to be inexpedient to legislate. Vote was 16-0. Rep. E. John Lowmes, III for Municipal and County Government.

Rep. Rounds moved that HB 31 be recommitted to the Committee on Municipal and County Government and spoke to his motion.

Rep. Mann spoke to the motion.

Adopted.

Recommitted to the Committee on Municipal and County Government.

VACATES

Rep. Tavitian moved that the House vacate the reference of HB 213, concerning transporting private school pupils, to the Committee on Transportation.

Adopted.

The Speaker referred HB 213 to the Committee on Education.

Rep. Heald moved that the House vacate the reference of HB 482, establishing procedures to review developments of regional impact and making an appropriation therefor, to the Committee on Resources, Recreation and Development.

Adopted.

The Speaker referred HB 482 to the Committee on Environment and Agriculture.

6-DAY EXTENSIONS GRANTED

HB 95, establishing the Bristol district court. (Judiciary)

HB 228, relative to highway route 38 in Salem and Pelham. (Public Works)

INTRODUCTION OF SENATE BILL
First, second reading and referral

SB 32, providing a supplemental appropriation to the Barbers' Examining and Licensing Board.)Executive Departments and Administration)

ENROLLED BILLS REPORT

HB 11, repealing the bounty on porcupines and the payment from the state treasury.

HB 12, repealing the provisions relative to unlicensed dogs killing game being killed by conservation officers.

HB 43, relative to the opening and closing of seasons on fur-bearing animals.

HB 84, relative to increasing the salary of police commissioners of Wolfeboro.

Sen. Laurier Lamontagne
For the Committee

ENROLLED BILLS REPORT

HB 123, legalizing the proceedings establishing the Lamprey Regional Solid Waste Cooperative and authorizing the issuance of certain bonds of the town of Durham.

Rep. George Maglaras
For the Committee

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 15 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 94, requiring the public utilities commission to regulate advertising by electric and gas utilities.

HB 314, relative to the reporting of shortages to bank commissioner.

HB 207, providing that eue nucleations be performed by trained persons, in addition to physicians and surgeons, under the anatomical gifts act.

HB 113, updating certain provisions of the law concerning municipal courts.

HB 174, granting additional law enforcement powers to boating inspectors to make arrests.

HB 307, relative to patient employment at the New Hampshire Hospital.

HB 139, to limit responsibility for local welfare payments.

HB 273, relative to administrative procedures.

HB 318, relative to electricians on projects supervised by the New Hampshire department of public works and highways.

HB 271, authorizing the New Hampshire society for the prevention of cruelty of animals to hold property with no limitation.

UNANIMOUS CONSENT

Rep. Spiro addressed the House under unanimous consent.

Rep. French moved that the House stand in recess from time to time for the sole purpose of introducing bills and enrolling reports and when the House adjourns, it be to meet Wednesday, March 15 at 1:00 p.m.

Adopted.

RECESS

(Rep. French in the chair)

Rep. Hildreth offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 556 through 567 and HBIs numbered 2006 through 2008 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS AND HBIs

First, second reading and referral

HB 556, equalizing the percentage of the annual grant for the payment of debt service for school construction. (Reese of Rockingham Dist. 6; Boucher of Rockingham Dist. 3; Wallin of Hillsborough Dist. 16 - To Education)

HB 557, to permit governmental bodies or agencies to hold executive sessions for receipt of sensitive personnel or financial matters from an employer or agent. (Packard of Merrimack Dist. 4 - to Judiciary)

HB 558, relative to submission of articles to voters at town meetings by use of official ballots. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 559, relative to the resident tax. (Felch of Rockingham Dist. 11 - to Ways and Means)

HB 560, relative to voluntary participation in issuing public utility stock in return for construction work in progress charges. (Zaidel of Hillsborough Dist. 29; Burkush of Hillsborough Dist. 33 - To Commerce and Consumer Affairs)

HB 561, permitting village districts to receive monies from towns in anticipation of tax share. (Dickinson of Carroll Dist. 2; LaMott of Grafton Dist. 6 - To Municipal and County Government)

HB 562, authorizing registers of deeds to sent lists of conveyances for tax purposes to towns 4 times per year. (Guav of Coos Dist. 5 - To Municipal and County Government)

HB 563, concerning surrogate parents. (Day of Hillsborough Dist. 26; Krasker of Rockingham Dist. 22 - To Education)

HB 564, relative to sentencing in criminal cases. (Kaklamanos of Hillsborough Dist. 21 - To Judiciary)

HB 565, to give state banks substantial parity with federal mutual savings banks in branching. (Rodi of Merrimack Dist. 7; Kaklamanos of Hillsborough Dist. 21; Pucci of Rockingham Dist. 5 - To Commerce and Consumer Affairs)

HB 566, removing restrictions on the sale of prison products on the open market. (Granger of Hillsborough Dist. 13 - To State Institutions)

HB 567, relative to the timber yield tax. (Packard of Merrimack Dist. 4 - To Ways and Means)

HBI 2006, relating to the date of convening the county delegations. (Lyons of Hillsborough Dist. 13 - To Legislative Administration)

HBI 2007, relating to studying foreign exchange programs in New Hampshire post secondary schools. (Willey of Coos Dist. 3 - To Education)

HBI 2008, relating to medical insurance for residents of state institutions. (Granger of Hillsborough Dist. 13 - To State Institutions)

Rep. Hildreth moved that the House adjourn.

Adopted.

HOUSE JOURNAL 14

Wednesday 14Mar79

The House met at 1:00 p.m.

Prayer was offered by The House
Chaplain, Rev. William L. Quirk.

Let us pray:

God, our Father, help us to hear Your
words and to do Your will. Enlighten our
minds with the clarity of Your truth.

Restore our sight that we may look to
Your goodness in our lives and in the lives
of those we are called to serve.

May we respond to Your call to the
fullness of Your life and bring us the
tranquility of Your order. Amen.

Rep. Keefe led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Hoar, Fisher, Cotton, Hebert, John
Winn, Russell, Burrows and Lyons, the day,
illness.

Reps. Beard, Vartanian, Madigan,
Stylianios, Wood, Raymond Dupont, Ward,
Morrisette, Collins, Pappas, Waters,
Demers, Allgeyer, Brack, Spirou, Epstein,
Allgeyer, Brack and Zaidel, the day,
important business.

Rep. Hartford, the day, death in the
family.

Rep. Stahl, the day, illness in the
family.

INTRODUCTION OF GUESTS

Robin Skinner, daughter, and Oga Guillen
of Lima, Peru, students at the University of
New Hampshire, guests of Rep. Skinner;
Marian Sallada, wife, and Franklin Pierce
Newman, brother-in-law, guests of Rep.
Sallada; Lee Ann House, granddaughter and
guest of Assistant House Clerk Carl A.
Peterson.

COMMUNICATION

James A. Chandler, Clerk
House of Representatives

Dear Mr. Chandler:

On March 14, 1979, the following
representatives-elect appeared before the
Governor and Council and were sworn into
office:

Coos County District No. 2 (Erving's Grant,
Northumberland, Odell, Stratford)

Robert Mayhew, d, Northumberland 03582
(2 Second Street, Groveton)

Merrimack County District No. 5
(Bow-Dunbarton)

William L. Roberts, r, Bow 03301 (Page
Road)

Sincerely,
William M. Gardner
Secretary of State

The Speaker introduced the new members,
Reps. Mayhew and William Roberts.

SENATE MESSAGE CONCURRENCE

HB 15, concerning ARFA schools incurring
indebtedness.

HB 114, relative to the powers and
duties of the state veterinarian.

HB 9, relative to the New Hampshire
trustees of the Eastern States Exposition.
HB 19, legalizing the biennial election
in the town of Chester.

HB 64, relative to persons who may hold
public office.

HB 127, changing the custody of the jail
in Manchester.

HB 22, an act to allow persons
possessing special motorcycle licenses to
drive mopeds.

HB 47, relative to the length of motor
vehicles, tractor and semi-trailer units.

ENROLLED BILLS REPORT

HB 9, relative to the New Hampshire
trustees of the Eastern States Exposition.
HB 15, concerning AREA schools incurring
indebtedness.

HB 19, legalizing the biennial election
in the town of Chester.

HB 22, to allow persons' possessing
special motorcycle licenses to drive mopeds.

HB 41, relative to the state dog control
law and providing for local option as to the
adoption thereof.

HB 47, relative to the length of motor
vehicles, tractor and semi-trailer units.

HB 64, relative to persons who may hold
public office.

HB 114, relative to the powers and
duties of state veterinarian.

Sen. Laurier Lamontagne
For the Committee

SENATE MESSAGE

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 39, relative to the date of bank
reports and the filing period. (To Commerce
and Consumer Affairs)

SB 37, relative to the registration of
foreign nonprofit corporations. (To
Statutory Revision)

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the Consent
Calendar, with the relevant committee
amendments, be adopted as printed in today's
House Calendar.

HB 18 was removed from the Consent
Calendar at the request of Rep. Rounds.

HB 229 was removed from the Consent
Calendar at the request of Rep. Skinner.

HB 169 was removed from the Consent
Calendar at the request of Rep. Murrav.
Adopted.

House Concurrent Resolution No. 5,
inviting Chief Justice Lampron to address a
joint convention of the general court on the
state of the judiciary. Ought to Pass.

It is traditional to hear the report of

the Chief Justice of the State. The Committee voted unanimously to extend the invitation to the esteemed member of the judicial branch of government. Rep. John F. Jamrog for Legislative Administration.

HB 422, reducing the time in which police departments must hold noncontraband abandoned or lost property. Ought to Pass. The bill would reduce the period of time that police departments must hold noncontraband lost or abandoned property from the current 180 days to 60 days (the same period required in some of the neighboring states). This bill would relieve police departments of the current space crunch which results from having to hold the property for 180 days. Committee vote was 11-0. Rep. Juanita E. Kasulines for Public Protection and Veterans' Affairs.

HB 159, relative to the grace period for retaining a temporary plate for a motorcycle. Ought to Pass.

This bill conforms with the Motor Vehicle Law on temporary plates for motorcycles allowing a 20-day grace period. Committee vote 13-0. Rep. K. Michael Tavitian for Transportation.

HB 137, outlawing the use of buckshot for deer hunting. Inexpedient to Legislate. Committee feels this has been well-covered by home rule in the past, and should continue to be covered like this in the future. Vote was 17-0. Rep. John H. Stimmell for Fish and Game.

HB 140, relative to planning board procedures involving subdivisions. Inexpedient to Legislate.

It was the feeling of the Committee that a second hearing on a proposed subdivision would be time consuming, unnecessary, and an added expense. Vote was 17-0. Rep. E. John Lownes, III for Municipal and County Government.

HB 249, adding police chiefs to the list of town officials eligible for payment of expenses for attending certain meetings. Inexpedient to Legislate.

This bill is unnecessary because selectmen can presently provide for these expenses. Vote was 17-0. Rep. Arnold B. Perkins for Municipal and County Government.

HB 298, allowing voters of cities and towns to petition for a binding referendum. Inexpedient to Legislate.

This bill is too broad and inconclusive and would have a negative effect on all cities and towns. Vote was 16-0. Rep. Ezra B. Mann, II for Municipal and County Government.

HB 317, relative to arbitration of settlement disputes. Inexpedient to Legislate.

At the request of the sponsor the bill was voted inexpedient by a 16-0 vote. Rep. Ezra B. Mann, II for Municipal and County Government.

HB 269, relative to giving police the authority to enter any town which is part of a centralized dispatch service when on assignment from such service. Inexpedient to Legislate.

It was the unanimous feeling of the Committee that RSA 105:13, as it is presently on the books, gives ample authority to police chiefs to make arrangements with neighboring communities to assist in the event of an emergency. Currently the State Police and Sheriffs' Departments are able to deploy their personnel to give assistance when requested.

The New Hampshire Association of Police Chiefs feels the bill is unnecessary since RSA 105:13 covers any need. The Committee voted 9-0. Rep. Fred W. Snell for Public Protection and Veterans' Affairs.

HB 332, establishing a special fund for boat safety. Inexpedient to Legislate.

This bill, while addressing the commendable concern for boating safety, has two main problems. First, the bill would by-pass the legislative budget process, giving the Director of Safety Services in effect a blank check. Second, the intent of the bill to increase the funding for safety services would fail as the revenues referenced in the bill would be less than the Division is requesting in the current budget. For these reasons the Committee reports HB 332 Inexpedient to Legislate by a vote of 9-0. Rep. Aime H. Paradis for Public Protection and Veterans' Affairs.

HB 178, relative to making certain changes in beano game licensing requirements. Inexpedient to Legislate.

The way beano is being run now is not a problem to anyone, so the Committee feels that no changes are needed. Vote was 12-4. Rep. James A. Humphrey for Regulated Revenues.

HB 241, relative to the ordering of wine from the liquor commission. Inexpedient to Legislate.

The Committee feels that this can be accomplished through Rules and Regulations of the Liquor Commission. There appears to be no problem with wine spoilage. Vote was 15-0. Rep. Alcide E. Valliere for Regulated Revenues.

HB 173, authorizing the issuance of an occupational driver's license. Inexpedient to Legislate.

This bill is considered by the authorities as unenforceable and the Committee agrees. This bill will also load the court dockets and further, the mandatory decals on the autos could be considered an infringement. Vote was 13-0. Rep. Irvin H. Gordon for Transportation.

HB 177, requiring all motor trucks to be equipped with bumpers or suitable collision protection. Inexpedient to Legislate.

It is not feasible for all vehicles to have bumpers. Testimony heard from

users of trucks was overwhelmingly against adoption of this bill.
Committee vote was 13-0. Rep. K. Michael Tavitian for Transportation.

HB 257, relative to suspension or revocation of license to operate a motor vehicle when operator exceeds speed limit by 20 miles per hour or more. Inexpedient to Legislate.

This bill, if enacted, could discriminate against a person who has a clean motor vehicle record and he would be penalized with revocation or suspension for a first offense. There are other statutes on the books that cover first-time license offenders for moving violations. Vote was 13-0. Rep. Frederick J. Domini, Sr. for Transportation.

HB 259, relative to revocation or suspension of motor vehicle license when offense results in personal injury or property damage and increasing the discretionary revocation or suspension period for all offenses. Inexpedient to Legislate.

This bill would impose a hardship on operators of motor vehicles who have accidents causing personal injury or property damage no matter how slight by having his or her license revoked or suspended for a period of 30 days in addition to any other penalties. Accidents are never intended. Vote was 14-0. Rep. Elmer H. York for Transportation.

COMMITTEE REPORTS (Regular Calendar)

HB 148, providing for seasons and bag limits on snowshoe hares and cottontail rabbits. Ought to Pass.

Increases the daily bag limit on cottontail rabbits from 2 to 3 per day. Vote was 15-2. Rep. John H. Stimmell for Fish and Game.

Ordered to third reading.

HB 203, exempting certain individuals from specific fish and game laws. Ought to Pass with Amendment.

This bill makes sure the Fish and Game Department honors the "grandfather" clause in RSA 211:48. Vote was 16-1. Rep. John H. Stimmell for Fish and Game.

Amendment

Amend RSA 211:48, II as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

II. Those fishermen who have filed information with the executive director pursuant to paragraph I shall be, for the duration of their respective lives, permitted to continue to operate their weirs consistent with the information filed with the executive director regardless of any state laws or regulations. These exemptions are non-assignable and shall terminate upon the death of each registered fisherman.

Amendment adopted.
Ordered to third reading.

HB 108, enabling the trustees of the university system to reimburse certain municipalities for services rendered. Inexpedient to Legislate.

The trustees of the university system already have such powers. Vote was 14-1. Rep. Beverly A. Gage for Municipal and County Government.

Resolution adopted.

HB 214, revising statutes pertaining to health, welfare and public protection. Ought to Pass with Amendment.

HB 214 is a melange of five dissimilar subjects, all of which come under the general heading of "public protection." Section 1 will save the public the needless expense of purchasing a plastic container intended for the transport or storage of gasoline or other flammable liquids, as the use of such containers is already prohibited by Federal regulations even though no such prohibition currently appears in New Hampshire's statutes. Sections 2 and 3 are "housekeeping items", simply to bring the state statutes into line with updates in the "National Building Code" and the "Life Safety Code," both of which pertain to construction standards in public buildings. Section 4 would make it illegal to sell, offer for sale, or install any unvented space heater in occupied buildings. Such heaters are a hazard because of the large amount of noxious and sometimes fatal carbon monoxide fumes which they produce. Section 5, a new statute, pertains to the preparation by practitioner (medical, dental, and veterinarian, etc.) of prescriptions for controlled drugs. Each prescription for drugs in Schedules II, III, IV, and V must be in writing and must include information established by criteria of the Federal Drug Enforcement Administration. The label on the container must also contain such information. The statute also makes it illegal for a pharmacist to fill a prescription which does not meet the requirements of this section. The amendment to Section 5 was drafted by the New Hampshire Pharmacy Commission and concurred with by the Division Investigation Unit of the New Hampshire State Police. Committee vote was 9-0. Rep. Patrick L. O'Connor for Public Protection and Veterans' Affairs.

Amendment

Amend the bill by striking out section 4 and inserting in place thereof the following:
4 Unvented Space Heaters. Amend RSA 158:28 as inserted by 1971, 400:1 as amended by striking out said section and inserting in place thereof the following:
158:28 Sale or Installation Prohibited.
I. No person shall sell, offer for sale or install in any occupied structure an unvented space heater. Nothing in this section shall prevent the sale or use of the

so-called flameless catalyst type heaters. Nothing in this section shall preclude the sale of unvented space heaters as antiques or curios.

II. Unvented space heater shall be defined as any heating appliance, either wick, wickless, or pot burner type, which uses oil, gas or kerosene for fuel, is either stationary or portable, and the products of combustion are not directly conducted to the outside of the building via a chimney connector pipe.

III. For purposes of this section, "occupied structure" shall have the same meaning as in RSA 635:1, III, and includes structures appurtenant to occupied structures and seasonal dwellings whether vacant or occupied.

IV. Whoever violates any provision of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Prescriptions for Drugs. Amend RSA 318-B:9 by inserting after paragraph II the following new paragraphs:

III. Expiration of Prescriptions. Prescriptions for controlled drugs of schedule II shall become void unless filled within 7 days of the original date the prescription was issued.

IV. Written Prescription Requirements. Prescriptions written by practitioners for controlled drugs of schedules II, III, IV and V shall be executed in clear, concise, readable form and may be typewritten. Each prescription shall contain the following information and comply with the following requirements:

- (a) The full name and complete address of the patient or of the owner of the animal for which the drug is prescribed.
- (b) The day, month, and year the prescription is issued.
- (c) The name of the controlled drug prescribed. Only one controlled drug shall appear on a prescription blank.
- (d) The strength of the controlled drug prescribed.
- (e) The specific directions for use of the controlled drug by the patient.
- (f) The number of refills authorized by the practitioner except that where class II controlled drugs are prescribed, no refills shall be authorized.
- (g) The Federal Drug Enforcement Administration registration number of the practitioner.
- (h) The practitioner shall sign the prescription in ink on the date of issuance.
- (i) The practitioner's full name shall be printed, rubber stamped, or typewritten above or below the hand-written signature.
- (j) A practitioner shall not issue a prescription in order to obtain controlled substances for the purpose of general dispensing to his patients.

V. Quantity Limitations. The quantity of the controlled drug to be dispensed on any prescription, whether written or oral, shall not exceed 100 dosage units or a 34 day supply, whichever amount is the lesser.

VI. Penalty. Notwithstanding the provisions of RSA 318-B:26 it shall be a misdemeanor for a practitioner to issue or a

pharmacist to fill a prescription that does not meet the requirements of this section.

Amendment adopted.

Ordered to third reading.

HB 166, relative to OHRVs and trail-cycles registered for street or highway use. Ought to Pass.

This bill allows trail-cycles that are properly equipped for highway use to also comply with all OHRV regulations concerning safety equipment. Vote was 12-2. Rep. Edwin L. Waters for Transportation.

Ordered to third reading.

HR 187, removing certain air navigation from jurisdiction of the port authority. Inexpedient to Legislate.

The Committee reported this bill inexpedient with the rationale being that the overlap of functions should best be taken up in the Sunset Process when the Legislature can take a look at the big issue especially when reviewing the Aeronautics Commission and the Port Authority. Rep. K. Michael Tavitian for Transportation.

Resolution adopted.

HB 188, repealing the Dover, Somersworth and Rochester airport authority. Ought to Pass.

This law was put on the books a long time ago. Dover, Rochester and Somersworth were to administer and pay for management, but the law was never implemented. The State has an airport in Rochester paved and operating. The above three entities have no intention of implementing the Authority. Vote was 13-0. Rep. K. Michael Tavitian for Transportation.

Ordered to third reading.

HB 202, allowing a left turn on red light from a one-way street into the proper traffic flow of another one-way street. Ought to Pass.

This bill allows left hand turns on red, same as right hand turns on red unless otherwise posted. Vote was 10-4. Rep. K. Michael Tavitian for Transportation.

Ordered to third reading.

HB 211, standardizing the colors of emergency lights used on motor vehicles. Inexpedient to Legislate.

This bill takes away the discretion of the Director of Motor Vehicles to determine the color of emergency lights in the State, and if at any time the police, fire or ambulance services should decide to utilize a different type of light, even on an experimental basis, they could not do so without going back for a specific change in legislation. Vote was 14-0. Rep. K. Michael Tavitian for Transportation.

Resolution adopted.

HB 239, providing for a special permit for 3-axle vehicle with an auxiliary axle to haul a gross weight of 80,000 pounds of forest products. Ought to Pass with Amendment.

This bill recognizes the 4-axle truck and allows it to be registered for 60,000 pounds. It also allows for a special permit to increase the registration by 9,000 pounds for a fee of \$300 for hauling unprocessed forest products on designated routes other than interstate highways. Vote was 14-0. Rep. W. Murray Clark for Transportation.

Rep. Clark explained the committee report and yielded to questions.

Reps. Burns and French spoke in favor of the committee report.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

providing for a special permit for 4-axle vehicle to haul a gross weight of 69,000 pounds, except on the interstate and defense highway system and establishing weight limitations on 4-axle vehicles with drive on 2 rear axles.

Amend RSA 263:64, VII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VII. Provided further that a special annual permit may be issued to a person transporting unprocessed forest products on designated routes within the state for a fee of \$300 for each unit. This special permit shall be issued only for single unit 4-axle vehicles as described in RSA 263:61, VI-a. The maximum gross weight under this permit shall be 69,000 pounds. The provisions of this paragraph shall not apply to operation on the interstate and defense highway system.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Weight. Amend RSA 263:61 by inserting after paragraph VI the following new paragraph:

VI-a. 4-axle vehicles with drive on 2 rear axles and having a gross weight of more than 60,000 pounds, or more than 47,500 pounds while operating on the interstate and defense highway system. The tridum may contain not more than one retractable axle and if not factory installed and load equalizing, must be certified by the installing agency, and provide a system of load equalization by hydraulic, pneumatic or mechanical means, and be equipped with brakes.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 248, repealing the provisions of the RSA relative to the director of motor vehicles returning a license when a person's license suspension expires or a person is found not guilty of a D.W.I. violation. Ought to Pass with Amendment.

This bill with the amendment addresses a problem with the discretionary powers with the Motor Vehicle Director's reference to suspension and revocation of operating privileges. The amendment makes it clear to the operator as to the procedure he must follow in order to have his driving privileges restored. Vote was 11-4. Rep. Frederick J. Domini, Sr. for Transportation.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

repealing the provisions of the RSA relative to the director of motor vehicles returning a license when a person's license suspension expires or a person is found not guilty of a D.W.I. violation and requiring the court to inform convicted person of restoration procedures.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Court to Inform Convicted Person of Restoration Procedures. Amend RSA 267-A by inserting after section 64-h the following new section:

262-A:64-c Restoration Procedures.

I. Whenever a person is convicted under the provisions of RSA 262-A:62, the court shall provide that person with information concerning the necessary procedures to be followed in order to recover his license to operate a motor vehicle. The court shall provide this information to any person convicted, immediately following said conviction. The required information shall be on forms issued by the department of safety.

II. The director of the division of motor vehicles shall by mail notify any person convicted pursuant to RSA 262-A:62, within 7 days after receipt of the revocation or suspension notice from the court, when it is the intention of the director to withhold the license to operate a motor vehicle for a greater period of time than that period of suspension or revocation mandated by the court.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. York moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Rep. Peterson spoke in favor of the motion.

Rep. Gordon spoke against the motion and yielded to questions.

Rep. Rogers spoke against the motion.

Rep. Chambers spoke in favor of the motion and yielded to questions.

Reps. Rodi, Carswell, Bosse, M. Arnold Wight and Coutermarsh spoke in favor of the motion.

Reps. Daniell and Plourde spoke against the motion.

Rep. Tavitian moved the previous question. Sufficiently seconded. Adopted.

Rep. Peterson requested a roll call.
Sufficiently seconded.

(Speaker presiding)
YEAS 224 NAYS 92
YEAS 224

BELKNAP: Garv Dionne, French, Michael Hanson, Lawton, Morin, Nighswander and Sanders.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson, Heath, Howard and Keller.

CHESHIRE: Baybutt, Close, Crane, Jesse Davis, Kohl, Ladd, Lynch, Miller, Moore, Nims, Proctor, William Riley and Vrakatitsis.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Fortier, Guay, Bradley Haynes, Horton, Hunt, George Lemire, Mayhew, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Buckman, Chambers, Christy, Clark, Copenhagen, Crory, Dearborn, Foster, Michael King, Logan, Low, Lowmes, Pepitone, Rounds, Thomson and Walter.

HILLSBOROUGH: Ainley, Archambault, Aubut, Baker, Emile Boisvert, Bosse, Royer, Carswell, Compagna, Corey, Corser, Coutermarsh, Craig, Catherine-Ann Day, L. Penny Dion, Dolbec, Donovan, Drewniak, Beverly Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Sal Grasso, Guidi, Hall, Head, Heald, Healy, Hendrick, Kaklamanos, Karnis, Labombarde, Lamy, Marcoux, Martineau, McCarthy, McLaughlin, Mulligan, Naro, Nemzoff-Berman, Pastor, Perkins, Peters, Plomaritis, Podles, Polak, Proulx, Peter Ramsey, Record, Reidy, Richards, Roy, Sallada, Leonard Smith, Soucy, Francis Sullivan, James Sullivan, Thibeault, Vachon, Van Loan, Wallin, Eliot Ware, Welch, Emma Wheeler and Cecelia Winn.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, Bodi, Carroll, John Cate, Clements, Hill, Holliday, Mitchell, Nichols, O'Neill, Paire, Plourde, Ralph, Rice, Doris Riley, Roberts, Selway, Shepard, Stokes, Trachy, Rick Tromblv, Underwood and Ernest Valliere.

ROCKINGHAM: Appel, Blanchette, Butler, Marilyn Campbell, Patricia Cote, Robert Day, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Greene, Jackson, Jones, Kashulines, Keenan, Krasker, Laycock, Leslie, Joseph MacDonald, Newell, Newman, Pantelakos, Peterson, Pevear, Pucci, Reese, Schmidtchen, Skinner, Freda Smith, Splaine, Stickney, Sytek, Tavitian, Vlack, Helen Wilson, Wojnowski and Woodman.

STRAFFORD: Burchell, Canney, Ronald Chagnon, DeNafio, Drew, Farnham, Gosselin, Dianne Herchek, James Herchek, Joos, Maglaras, McManus, Meader, Nadeau, Pine, Dennis Ramsey, Robinson, Schreiber, Donald Smith, Tripp, Valley, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, D'Amante, LeBrun, Lucas, Spaulding, Townsend, Wiggins and Williamson.

NAYS 92

BELKNAP: Birch, Bordeaux, Mansfield, Matheson, Randall and Sabbow.

CARROLL: Kenneth MacDonald and Towle.

CHESHIRE: Callahan, Daniel Eaton, Eisengrein, Ernst, Galloway, Gordon, Johnson, Matson, O'Connor and Jean White.

COOS: Chappell.

GRAFTON: Ira Allen, George Cate, Mann, McAvoy, McIver, Snell, Taffe and Andrew Ware.

HILLSBOROUGH: Yvette Chagnon, Joseph Cote, Crotty, Clyde Eaton, Peter Flynn, Granger, Hardy, Howard Humphrey, Thomas Hynes, Jamrog, Keefe, Levesque, Mazur, Morgan, Morrison, Fred Murray, Odell, Aime Paradis, Peter Parady, Paul Riley, Silva, Edward Smith, Steiner, Rock Tremblay, Wallace, Weaver, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Colby, Daniell, James Humphrey, Locke, Packard, Randlett, Gerald Smith and Stockman.

ROCKINGHAM: Blake, William Boucher, Carpenito, Roy Davis, Ellyson, Felch, Gould, Griffin, Kozacka, Landry, LoFranco, Loveiov, Norman Myers, Parolise, Parr, Quimby, Rogers, Schwaner, Stimmell, Tufts, Warburton and Wolfen.

STRAFFORD: Gauvin, Prav, Preston and Sackett.

SULLIVAN: Cutting, Domini and Sim Gray, and the motion was adopted.

Rep. Stio notified the Clerk that he wished to be recorded in favor of Inexpedient to Legislate.

Question being on the substituted committee report, Inexpedient to Legislate. Resolution adopted.
Rep. Bosse moved that HB 248 be Indefinitely Postponed.
Adopted.

RULES

Proposed amendments to House Rules.
Ought to Pass.

After public hearing, the Committee felt that these amendments were the best way to clarify the process for introducing House Resolutions proposing that the House take a policy position. The amendments would permit any member to introduce such House Resolutions automatically until a deadline to be voted by the House. Afterwards, Resolutions would be introduced with Rules Committee approval or a 2/3 vote on the floor, just as bills are now. The Committee vote was 6-0. Rep. Marshall French for Rules.

PROPOSED CHANGES

32 (m) (4) It shall be the duty of the Subcommittee on House Resolutions and Screening to examine all House death, congratulatory and commemorative resolutions

and proposed non-legislative activities for the purpose of determining whether or not same are of sufficient importance or interest to warrant being brought before the House. No such resolutions or activities shall be brought before the House unless they are approved by the Subcommittee. Any such resolutions or activities brought before the House with the approval of the Subcommittee shall be scheduled so as not to interfere with the official business of the House. The term "non-legislative activities" shall include the introduction of House guests, seat pocket insertions and journal announcements.

The Subcommittee shall also examine all proposed legislation filed with Legislative Services to prevent, where possible, the duplication of bills or resolutions of a similar nature or content.

40. Every bill, joint resolution, concurrent resolution and House resolution proposing that the House take a policy position shall have three several readings in the House previous to its passage. The first and second readings and referral to committee shall be by title only which may be accomplished by a conglomerate motion, after which the bill shall be referred by the Speaker to the appropriate committee and shall be printed as provided in Rule 47, unless otherwise ordered by the House. No bill or resolution after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills, resolutions, and joint resolutions shall be in the late session unless otherwise ordered by the House. The orders of the day for the reading of bills shall hold for every succeeding day until disposed of.

46. (a) Drafting Deadlines. No request by a member of the House for drafting a bill or joint resolution other than the general budget or the capital budget bill, shall be accepted by the Legislative Drafting Service for processing unless the subject matter of the legislation, with complete information as to details, has been filed with said Service no later than Wednesday, January 31, at 5:00 p.m.

(1) This deadline shall not apply to Bills of Intent which may be accepted by Legislative Services until March 1.

(2) Nor shall this deadline apply to House Resolutions proposing that the House take a policy position which may be accepted by Legislative Services for drafting at any time prior to the deadline established for the introduction of House bills and resolutions.

(b) Introduction Deadlines

(1) Any bill or resolution providing for new state revenue, for a change in any existing state revenue statute, or containing an appropriation, other than the general budget or capital budget bill, may not be introduced into the House later than March first.

(2) Bills of Intent may be introduced into the House at any time prior to any deadline established by Joint Rules for the transfer of bills out of the first body.

(3) All other House bills, House joint resolutions, House concurrent resolutions and House resolutions proposing that the House take a policy position may be introduced at any time prior to any deadline established by the House for the introduction of House bills, House joint resolutions, House concurrent resolutions and House resolutions proposing that the House take a policy position.

(c) Exceptions

(1) Notwithstanding the provisions of House Rule 46 (a) and (b), a House bill, House joint resolution, House Bill of Intent or House concurrent resolution may be accepted by Legislative Services for drafting and introduced into the House at any time prior to the deadline established by Joint Rules for the transfer of bills out of the first body if approved by either a majority of the House Rules Committee or a 2/3 vote on the floor, and

(2) House resolutions proposing that the House take a policy position may be accepted for drafting and introduced into the House at any time after the deadline for introduction of bills and resolutions if approved by either a majority of the House Rules Committee or a 2/3 vote on the floor.

Rep. French explained the committee report.

Rep. French moved that the proposed amendment to House Rule 32 (m) (4) be amended by striking out the word "death" in line 3 of the proposed amendment as printed in the House Calendar and yielded to questions.

Reps. Chambers, Chase, and Coutermarsh spoke in favor of the committee report.

Question being on the French amendment to the proposed House Rules amendment.

Amendment adopted.

Question now being on the proposed amendments to House rules.

Adopted by the necessary two-thirds.

Rep. French offered the following:

House Resolution No. 9

setting April 5 as the deadline for introducing all House Bills and resolutions into the House.

WHEREAS, the House Rules Committee, under the provisions of House Rule 32-r has recommended that April 5 be the deadline for introducing all House Bills and resolutions, now therefore be it

RESOLVED, that April 5 be the deadline for introducing all House Bills and resolutions into the House.

Adopted.

House Resolution No. 10

setting April 5 as the deadline for approving by signature any proposed legislation in the Office of Legislative Services.

WHEREAS, the House Rules Committee, under the provisions of House Rule 32-r has recommended that April 5 be the deadline for approving by signature any proposed

legislation in the Office of Legislative Services, now therefore be it

RESOLVED, that any request for drafting of a House Bill, House Resolution proposing that the House take policy position, House Joint Resolution or House Concurrent Resolution by a House member which is not signed by him approving its introduction on or before April 5 at 5:00 p.m. may not be introduced unless approved by the House Rules Committee or by a two-thirds vote on the House floor.

Adopted.

UNANIMOUS CONSENT

Rep. French addressed the House under unanimous consent.

COMMITTEE REPORTS (cont.)

HB 18, providing for a sworn affidavit in lieu of the old hunting license to prove competency in handling of firearms. Inexpedient to Legislate.

Committee felt problem has at this point been largely ironed out. This bill will simply postpone adjustment to previous legislation. Vote was 12-5 on report and 17-0 for placement on Consent Calendar. Rep. John H. Stimmell for Fish and Game.

Rep. Rounds moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Gerald Smith spoke against the motion and yielded to questions.

Rep. Stimmell moved the previous question. Sufficiently seconded.

Adopted.

On a voice vote, the Chair was in doubt and requested a division. 91 members having voted in the affirmative and 222 in the negative, the motion lost.

Question being on the adoption of the Committee report, Inexpedient to Legislate. Resolution adopted.

HB 229, requiring commencement of construction of dog and horse racing facilities within 2 years after local option approval of the license therefor. Inexpedient to Legislate.

The Committee feels that this bill does not define what beginning of construction is. The fact is that any applicant could break ground and leave it as such for an unlimited amount of time. Vote was 15-0. Rep. George E. Lemire for Regulated Revenues.

Rep. Morin moved that HB 229 be recommitted to the Committee on Regulated Revenues and spoke to his motion.

Motion adopted.

Recommitted to the Committee on Regulated Revenues.

HB 169, relative to fees for licenses to provide emergency medical services. Ought to Pass with Amendment.

This bill provides that no license fee shall be charged nonprofit ambulance services or drivers or driver-attendants who are not paid wages or fees for their services. The amendment provides that if there is a change in the status whereby they become paid drivers they shall notify the Director of the change and forward the required license fee within 10 days of such change in status. Vote was 13-0. Rep. K. Michael Tavitian for Transportation.

Amendment

Amend RSA 151-B:15, VIII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VIII. Fees. The director may charge a license fee of not over \$25 for a license for an ambulance service; \$10 for a vehicle license; and \$5 for a driver or driver-attendant license; provided, however, that no license fee shall be charged any ambulance service operated by a nonprofit corporation or volunteer association that provides a free service, or any driver or driver-attendant who is not paid any wages or fees for his services. Any driver or driver-attendant who has his license fee waived under this paragraph who subsequently becomes a paid driver or driver-attendant shall notify the director of his change in status and shall forward the required license fee within 10 days of such change in status.

Rep. Tavitian yielded to questions.

Amendment adopted.

Ordered to third reading.

6-DAY EXTENSIONS GRANTED

HB 134, relative to certain public utility companies establishing future credit accounts to reimburse customers for payment of certain surcharges. (Commerce and Consumer Affairs)

HB 155, requiring public utilities' rates to be based on a current level of services. (Commerce and Consumer Affairs)

HB 153, relative to the acquisition of agricultural preservation restrictions. (Environment and Agriculture)

HB 2, relative to proceedings in certain sexual assault cases. (Judiciary)

HB 23, to establish a public defender program in Strafford County. (Judiciary)

HB 133, establishing a Pittsfield Judicial District and Pittsfield district court. (Judiciary)

HB 182, establishing the Seabrook district court. (Judiciary)

HB 251, authorizing arbitration in the resolution of public employee labor relations disputes. (Labor, Human Resources and Rehabilitation)

HB 164, relative to allowing 16 year olds to serve on volunteer fire departments. (Public Protection and Veterans' Affairs)

HB 167, relative to pistol permits. (Public Protection and Veterans' Affairs)

HB 112, authorizing the fish and game commission to set the deer season. (Fish and Game)

HB 186, relative to the taking of lake trout and salmon through ice. (Fish and Game)

HB 88, establishing the office of ombudsman within the state council on aging and making an appropriation therefor. (Executive Departments and Administration)

HB 157, concerning loans to medical and veterinary students. (Education)

HB 158, relative to reserving slots in veterinary and medical schools for New Hampshire residents. (Education)

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 15 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HCR 5, inviting Chief Justice Lampron to address a joint convention of the general court on the state of the judiciary.

HB 422, reducing the time in which police departments must hold noncontraband abandoned or lost property.

HB 159, relative to the grace period for retaining a temporary plate for a motorcycle.

HB 169, relative to fees for licenses to provide emergency medical services.

HB 148, providing for seasons and bag limits on snowshoe hares and cottontail rabbits.

HB 203, exempting certain individuals from specific fish and game laws.

HB 214, revising statutes pertaining to health, welfare and public protection.

HB 166, relative to OHRV's and trail-cycles registered for street or highway use.

HB 188, repealing the Dover, Somersworth and Rochester airport authority.

HB 202, allowing a left turn on red light from a one-way street into the proper traffic flow of another one-way street.

HB 239, providing for a special permit for 4-axle vehicle to haul a gross weight of 69,000 pounds, except on the interstate and defense highway system and establishing weight limitations on 4-axle vehicles with drive on 2 rear axles.

Rep. French moved that the House stand in recess from time to time for the sole purpose of introducing bills and enrolling reports and when the House adjourns, it be to meet Thursday, March 15 at 1:00 p.m.

Adopted.

RECESS

Rep. French moved that the House adjourn. Adopted.

HOUSE JOURNAL 15

Thursday 15Mar79

The House met at 1:00 p.m.

Prayer was offered by the House Chaplain, Rev. William L. Quirk.

Let us pray:

Our Father in heaven, we give You the honor and praise that is Your due as we ask Your presence among us, Your people.

Grant to all of us the fullness of Your blessings that we may always have the concern of those You have entrusted to our care.

Through Your infinite help, may we be enabled to turn despair to hope, conflict to peace and hate to love. Amen.

Today is the birthday of President and General Andrew Jackson, who commanded the victorious American troops at the Battle of New Orleans in January 1815. Among the troops commanded by Gen. Jackson was the 7th Regiment of Infantry, to be known thereafter as the "Cotton-Balers," because they fired upon the advancing British from behind the safety of up-ended cotton bales. Rep. Richardson D. Benton served with the 7th Infantry Regiment in Korea in 1951. Appropriately Rep. Benton led the pledge to the flag in honor of the birthday of President Jackson.

LEAVES OF ABSENCE

Reps. Hoar, Fisher, Cotton, Hebert, John Winn, Wolfson, Yvette Chagnon, Russell and Lyons, the day, illness.

Reps. Beard, Vartanian, Madigan, Stylianos, Raymond Dupont, Ward, Morrisette, Collins, Pappas, Callahan, Pine, Clyde Eaton, Edward Smith, Allgever, Stokes, Jean White, Helen Wilson, Keenan and Newman, the day, important business.

Rep. Cecelia Winn, the day, illness in the family.

INTRODUCTION OF GUESTS

Mrs. Frances Kane and Kyle-Ann Kane, wife and niece of Rep. Kane; Professor Mike Baker, Thomas Connolly, Wendy Nickerson, Shawn Sullivan, David Tolme and Caleb Roosevelt of the Tilton School, guests of Rep. Bowler; Elaine Dolbec, wife of Rep. Dolbec; Pat and Tim Gibbons, Althea and Elizabeth Schaf, Maureen Bragdon, Jean Schlichte and Hinda Magidson, YFU Regional director, guests of Rep. Gibbons; Lindsay Relak, wife of Rep. Belak; Wolfgang Krauel of Germany, Timo Selanne of Finland, Trudy Van der Spoel of the Netherlands, Isa Francese of Brazil, Monica Torrios of Chile, Carlos Salzar of Chile and Anne Dorssemont of Belgium, representing the Youth for Understanding Student Exchange Program.

Reps. French and Chambers moved that the

House meet at 1:30 p.m. in Joint Convention with the Honorable Senate for the purpose of hearing the Governor's Capital Budget Message.

Adopted.

SENATE MESSAGES NONCONCURRENCE

HB 81, permitting the use of up to 6 lines for ice fishing.

CONCURRENCE

HB 70, providing a penalty for using an artificial light during certain months to locate wild birds or animals, except raccoons.

HB 119, regarding administration of oaths in the national guard.

HB 200, authorizing the exchange of a pheasant egg incubator for 3 years with the state of Massachusetts for 1800 pheasants.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 47, providing for a 3 day hunting season for moose. (To Fish and Game)

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the Consent Calendar, with the relevant committee amendments, be adopted as printed in today's House Record.

HB 135 was removed from the Consent Calendar at the request of Rep. Shepard. Adopted.

HB 73, relative to the state guarantee limitation on the aggregate sum for pollution control projects. Ought to Pass. Committee vote 14-0. This bill allows the increase of the limit of state liability for Water Pollution bonded indebtedness. Rep. John B. Tucker for Appropriations.

HB 85, relative to fish and game projects supported by federal funds obtained under the Pitman-Robertson Act. Ought to Pass with Amendment.

This bill suspends a section of the budget so that Fish and Game may continue and fund projects until the Pitman-Robertson legislation is settled. Unanimous vote of those present. Rep. John R. Tucker for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to borrowing in anticipation of funds in fish and game fund and fish and game projects supported by federal funds obtained under the Pitman-Robertson Act and making an appropriation therefor.

Amend section 2 of the bill by striking out same and inserting in place thereof the

following:

2 Appropriation. In addition to any other sums appropriated there is hereby appropriated the sum of \$500 to the fish and game department for the purpose of out-of-state travel expenses. Funds may be expended when it is deemed necessary by the executive director of the fish and game department, that a staff member from the department should be present as the department's representative at an out-of-state hearing or hearings relative to the Pitman-Robertson federal court suit. The funds hereby appropriated shall be a charge against the fish and game fund and shall not lapse until the court suit has been settled.

3 Borrowing Funds for Fish and Game Fund. Amend RSA 6:13-a (supp) as inserted by 1965, 188:2 as amended by striking out in lines 7 and 8 the words "two hundred fifty thousand dollars." and inserting in place thereof the following (\$500,000.) so that said section as amended shall read as follows:

6:13-a Fish and Game Fund. When it is anticipated that there will not be sufficient fish and game funds in the treasury for the payment of obligations, the treasurer under the direction of the governor and council is authorized to borrow on the state's credit for a period of not more than one year, at the lowest net interest cost to the state, such sums as may be necessary, provided that at no time shall the indebtedness of the state pursuant to the authority granted by this section exceed the sum of \$500,000. The short term loans authorized hereunder shall be repaid from the fish and game fund.

4 Effective Date. This act shall take effect upon its passage.

HB 109, increasing the appropriation for cooperative extension work. Ought to Pass with Amendment.

HB 109 raises the statutory ceiling for cooperative extension service work in the counties set in 1973. The actual appropriation will be set in the state budget. The Committee amendment removes the words "notwithstanding the provisions of". The Committee vote was 19-0. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Annual Appropriation for County Extension Work. Amend RSA 187:23 as amended by striking out said section and inserting in place thereof the following:

187:23 County Extension Work. There shall be appropriated annually by the state the sum of \$220,971 for the purpose of conducting cooperative extension service work in the various counties of the state in cooperation with the federal department of agriculture and the said counties and in furtherance of the so-called Smith-Lever Act as accepted by the state under the provisions of chapters 194 and 195 of the Laws of 1915. The sums appropriated shall be expended through the New Hampshire

College of Agriculture and the Mechanic Arts and the University of New Hampshire. From said appropriation there shall be paid \$167,166 per year toward the maintenance of not more than 37 cooperative extension service agents, who shall receive an amount not to exceed \$4,518 each per year, and the balance of \$53,805 per year toward the maintenance of 5 area agents, who shall receive an amount not to exceed \$10,761 each per year.

2 Effective Date. This act shall take effect upon its passage.

HB 118, creating the New Hampshire national guard scholarship fund. Ought to Pass with Amendment.

This bill establishes a national guard recruitment and retention scholarship fund. One-half of all outside rental fees of the national guard armories will be earmarked for this fund. No scholarship award to any one person shall exceed \$300 per year.

The amendment clarifies that the revenue for this fund comes only from rental fees collected from sources other than governmental agencies. A maximum of \$20,000 for any biennium has been established. To insure broad educational opportunities for the men and women of the national guard, we have included the statement "institutions of post-secondary education".

Unanimous vote of those present to pass as amended. Rep. John R. Tucker for Appropriations.

Amendment

Amend RSA 110-A:83 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

110-A:83 Revenue for Scholarship Fund. One-half of all revenue received from sources other than governmental agencies during any fiscal year from the rental of a national guard armory in this state shall be credited by the state treasurer to the New Hampshire national guard recruitment and retention scholarship fund as established herein; provided, however, that the revenue from this source for the national guard recruitment and retention scholarship fund, shall be limited to a maximum of \$20,000 for any biennium.

Amend RSA 110-A:85 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

110-A:85 Eligible Recipients. The scholarships shall be awarded to members in good standing of the New Hampshire national guard for the purpose of assisting in tuition payments at institutions of higher learning or post-secondary education located within the state. No scholarship award to any one person shall exceed \$300 per academic year.

HB 149, relative to expenses for insurance examiners and making an appropriation therefor. Ought to Pass with Amendment.

Committee vote 16-0. This bill will appropriate travel expense funds for the last year of the 1978-1979 biennium. It will also grant the insurance

commissioner some flexibility in the event that the travel expense appropriation is exceeded in the future. In no case will there be any demand on General Funds as the amounts involved are ultimately reimbursed to the state from outside sources. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 400-A:37, VIII as inserted by section I of the bill by striking out same and inserting in place thereof the following:

VIII. Notwithstanding any other provision of law, the insurer or other person liable for the travel expense of an examination pursuant to RSA 400-A:37, VII shall make such payment either directly to the individual conducting the examination, whether or not such individual is a classified state employee, or to the state of New Hampshire, as may be directed by the commissioner. The commissioner may direct that the travel expense allowance be paid directly to the individual conducting the examination. The compensation allowance shall be paid directly to the state. The amounts paid directly to individuals conducting the examination pursuant to this paragraph may be in excess of any amounts that may be appropriated for such purposes.

HB 268, to require motor vehicles carrying property for hire to submit competitive bids when they contract with state departments. Ought to Pass with Amendment.

This bill allows the Division of Purchase and Property to ask for and accept bids for moving state departments. Unanimous vote of members present. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Competitive Bidding Procedure. Amend RSA 8:19, XVI as amended by striking out said paragraph and inserting in place thereof the following:

XVI. Establish specifications and competitive bidding procedures whereby state agencies shall contract with common or contract carriers by motor vehicle for the transporting of goods pursuant to RSA 375-B.

XVII. Perform such other duties as the comptroller may require of him.

6 Effective Date. This act shall take effect 60 days after its passage.

HB 288, providing for payment of a claim to Albert Kashulines and making an appropriation therefor. Ought to Pass.

Vote 16-0. There is no question as to the amount involved or that the service had been performed. It is simply that the manifest requesting payment was not filed in time for payment in the normal course. Rep. John B. Tucker for Appropriations.

HB 313, relating to the salary of the Deputy Bank Commissioner. Inexpedient to Legislate.

Committee vote 16-0. To make an equitable distribution of salaries commensurate with responsibilities, a two year study by the Governor and Council and the Fiscal Committee established a new range of salaries for the 1977 session.

To make changes at this time would create inequities. Rep. John B. Tucker for Appropriations.

HB 101, relative to the sealing and sale of the skins of fur-bearing animals. Ought to Pass with Amendment.

This bill gives the Fish and Game Department a positive check on the species being hunted and trapped. Vote was 16-0. Rep. John H. Stimmell.

Amendment

Amend RSA 210:8 as inserted by section I of the bill by striking out same and inserting in place thereof the following: 210:8 Sealing and Sale of Skins.

I. It shall be unlawful for any person to sell, give away, buy, possess, accept as a gift, offer for transportation, or transport raw skins or unskinned carcasses of any fur-bearing animal or coyote, except muskrat, skunk, or weasel, unless such skin or carcass bears an official New Hampshire fish and game department tag or seal.

II. Nothing herein shall prohibit the transportation or possession of raw pelts or unskinned fur-bearing animals or coyotes when accompanied by the hunter or trapper or designee specified in writing with the signature of the licensed hunter or trapper.

III. All skins as specified in paragraph I shall be presented to a conservation officer, he shall tag or seal the same if legally taken. Such skins shall be presented for tagging or sealing during the open season in which they are caught or within 10 days after the closing of the open season thereof.

IV. Any of the skins as specified in paragraph I that come into this state in any manner from any other state, country or province shall bear the official tag, seal or stamp of such other state, country or province.

V. If any of the skins as specified in paragraph I come into this state from another state, country or province and said state, country or province does not require an official tag, seal or stamp, the person possessing such skins shall have said skins tagged or sealed within 3 days of entrance into this state in accordance with this section, or he shall possess an itemized bill of sale and said bill of sale shall be produced for inspection upon the request of any law enforcement officer.

VI. As a prerequisite of tagging or sealing, the executive director may require that the skinned carcasses of certain fur-bearing animals, or the skinned carcasses of coyotes be turned over to the fish and game department for analysis. The executive director shall notify all licensed trappers and hunters in advance of the opening of the season of the species of fur-bearers to be turned over to the department.

HB 122, relative to the definition of "game animals." Ought to Pass.

This bill defines the bobcat as a fur-bearing animal rather than a game animal. Vote was 17-0. Rep. John H. Stimmell for Fish and Game.

HB 343, relative to organ donors being specified on identification cards issued by the director of motor vehicles. Ought to Pass.

This bill provides an additional means for an anatomical gift donation. Organ donors will be able to specify their wishes on identification cards as well as drivers' licenses. Vote was 16-0. Rep. Marion L. Copenhagen for Health and Welfare.

HB 89, providing a penalty for disclosure of confidential department of revenue administration records. Ought to Pass with Amendment.

Requested by the New Hampshire Department of Revenue in order to conform to IRS Administration. State would lose up to \$500,000 by not conforming. Vote was 16-0. Rep. Louis D. Record, Jr. for Judiciary.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:
2 Effective Date. This act shall take effect upon its passage.

HB 208, increasing the homestead exemption. Ought to Pass.

The current homestead exemption is \$2,500. This bill raises the homestead exemption to \$5,000. The Committee felt that \$5,000 is a more reasonable exemption when considering the current costs of housing. Other states offer homestead exemptions up to \$30,000. Bill was approved by unanimous vote. Rep. David R. Campbell for Judiciary.

HB 283, relative to appointing guardians for residents of Glencliff home for the elderly. Ought to Pass with Amendment.

This bill requested by the Department of Health and Welfare permits the superintendent of Glencliff Home for the Elderly to initiate guardianship proceedings in Grafton County on behalf of any resident who appears to be incompetent. Vote was 12-0. Rep. Minnie F. Carswell for Judiciary.

Amendment

Amend RSA 138-A:3-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

138-A:3-a Initiation of Guardianship Proceedings. Whenever it shall appear to the superintendent of the Glencliff home for the elderly that a resident is substantially deprived of his capacity to manage his person or his property, and said resident does not have a legal guardian, the superintendent may petition the probate court in the county of Grafton, or the resident's county of origin, for the appointment of a guardian over said

resident. The court costs, and other costs or fees that are incurred pursuant to any hearings on such a petition, or any reasonable costs incurred by a guardian appointed by said probate court, shall be borne by the resident. The procedures established in RSA 464 shall apply to proceedings conducted under this section.

HB 145, to increase the highway subsidy apportioned to cities and towns and to repeal the provision for additional subsidies. Inexpedient to Legislate.

The Committee unanimously opposed this bill in that it would divert funds exclusively designated for construction and reconstruction of roads into uses that would have no direct impact on the upgrading of town and city roads. Vote was 16-0. Rep. Joseph A. McEachern for Public Works.

HB 335, authorizing the town of Wakefield to build an auxiliary or service road from the access road onto Route 16. Inexpedient to Legislate.

The Committee feels that this problem should be properly resolved by agreement of the property owners on a class II road and the selectmen of the town of Wakefield. Vote was 17-0 on report. Rep. Roland D. Martineau for Public Works.

HB 347, relative to restrictions on advertising devices on the federal-aid secondary highway system. Ought to Pass.

This is a housekeeping measure that has to be extended every two years. Vote was 17-0 on report. Rep. Lawrence G. McLaughlin for Public Works.

HB 310, requiring sewer rental charges to reflect certain factors. Inexpedient to Legislate.

This bill would circumvent home rule when setting sewer user fees. According to testimony by Water Supply and Pollution Control Commission this bill would seriously jeopardize bonding of sewer projects.

If and when the State decides to control all aspects of waste treatment, they can also dictate the manner in which the costs of such shall be allocated. Vote was 17-0 on report. Rep. Nancy R. Gagnon for Resources, Recreation and Development.

HB 152, relative to the registration of trail-cycles. Inexpedient to Legislate.

The Commissioner of Safety has the authority to establish agents for registration of all OHRVs and agrees to establish 30 or 40 all week dealers to sell these registrations in all counties of the State. Vote was 17-0 on report. Rep. W. Murray Clark for Transportation.

HB 252, relative to motor vehicle lighting equipment requirements. Ought to Pass.

This bill deletes the \$50 fee to the Director of Motor Vehicles when a distributor or manufacturer desires approval of any lighting equipment, devices or components and further brings

New Hampshire in conformity with the Uniform Vehicle Code. Vote was 13-0 on report. Rep. Kenneth E. Stockman for Transportation.

HB 260, relative to notification of suspension or revocation of a license to operate a motor vehicle. Inexpedient to Legislate.

This bill would require \$27,000 in order to administer. There is only a small percentage of people not receiving regular mail to warrant expenditure of certified mail. Vote was 14-0 on report. Rep. Lorine M. Walter for Transportation.

ENROLLED BILLS AMENDMENT

HB 177, changing the custody of the jail in Manchester.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

This amendment is necessary to correct non-standard terminology used in the effective date.

Adopted.

COMMITTEE REPORTS (Regular Calendar)

HB 293, relative to the appointment of members of the state commission on the status of women and providing for mileage for said members. Ought to Pass. The Committee believes that the early history of this Commission has proven the value of its existence; the safeguard of checks and balances through the method of appointment by Governor with confirmation by the Council is an important change from the way the Commission was formerly constituted. It also seems only fair to allow for mileage as most other Boards and Commissions now receive it. Vote was 15-1. Rep. Sara M. Townsend for Executive Departments and Administration.

Referred to Appropriations.

HB 105, relative to the use of deer tags. Inexpedient to Legislate. This bill would restrict a person's hunting after killing a deer. Vote was 14-4. Rep. John H. Stimmell for Fish and Game.

Resolution adopted.

HB 121, relative to the keeping of wild animals. Ought to Pass. This bill changes the phrase "wild animal or wild bird" to "wildlife." Vote was 12-6. Rep. Fritz T. Sabbow for Fish and Game.

Ordered to third reading.

HB 141, relative to the importing and releasing of wild animals in the state. Ought to Pass with Amendment.

Under present statutes one needs a permit to bring wild animals into this State with the intent to sell or release. This bill requires a permit to import wild animals under any condition. Vote was 17-0. Rep. John H. Stimmell for Fish and Game.

Amendment

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Exceptions. Amend 207:14-b, I by striking out said paragraph and inserting in place thereof the following:

1. Tropical fish commonly imported and sold for aquarium use, including ornamental goldfish. Specifically excluded from this category and requiring an importation permit are walking catfish, white amur, caribe (unless otherwise exempt) and piranha (Serrasalmus species.).

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 276, relative to health screening for all members of the general court and making an appropriation therefor. Ought to Pass with Amendment.

The Health and Welfare Committee feels that this bill would provide the members of the General Court with an appropriate process for preventative health care. Vote was 17-1. Rep. Fred E. Murray for Health and Welfare.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to health screening for all members of the general court.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Health Screening. Amend RSA 14-A by inserting after section 3 the following new section:

14-A:4 Members Entitled to Health Screening. As early as feasible during each regular legislative session, the division of public health services of the department of health and welfare shall provide, at no charge, health screening to be conducted at the state house for each member of the general court who chooses to receive it. Such screening shall include oral cancer, diabetes, glaucoma, hypertension and nutritional counseling. The speaker of the house and the president of the senate shall arrange the time and place for administering these examinations.

2 Health Screening to be Given in 1979. The speaker of the house and

president of the senate shall make arrangements with the division of public health services to provide the health screening required by RSA 14-A:4 within 30 days of the effective date of this act.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 300, requiring the licensing of rescue squad attendants and driver-attendants. Ought to Pass with Amendment.

HB 300 requires the licensing of rescue squad attendants and permits those persons less than 18 years of age to enroll in courses necessary for licensing as an ambulance or rescue squad attendant. The license fee for volunteer ambulance or rescue squad drivers is eliminated. Vote was 17-0. Rep. Helen F. Wilson for Health and Welfare.

Rep. Daniell moved that the words, Inexpedit to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Rep. French moved that further debate on HB 300 be made a Special Order after the Governor's Capital Budget Message. Adopted.

RECESS

The Speaker requested a quorum count. The Speaker declared a quorum present.

JOINT CONVENTION (Speaker presiding)

GOVERNOR'S CAPITAL BUDGET MESSAGE

Mr. Speaker, Mr. President, Honorable Members of the General Court:

Today I stand before you not only to present my recommendation for a capital budget, but also to propose to you two new measures by which the State of New Hampshire can bring its spiraling debt under control.

As my staff and I prepared this capital budget proposal, two things became immediately apparent. The first was the alarming increase in capital expenditures by state government over the last several years, and the resulting encroachment of mounting debt service on our operating budget.

For the 1970-71 biennium, the state's capital budget, including legislative specials, took a toll of \$8.7 million from the operating budget for principal and interest payments.

By the 1976-77 biennium, \$12 million in fixed costs were built into the operating budget because of capital expenditures.

The debt has increased even more, to the point that nearly \$25 million has to be set aside in the operating budget for the next biennium just to cover principal and interest.

In other words, in less than 10 years, the impact of the state's capital spending on the operating budget has tripled.

While the state has been scrupulous to keep tight reins on its operating budget, it has been appropriating money for capital expenses as if there were no tomorrow.

But we know that tomorrows always arrive, and they should not arrive under the crushing weight of debt. If we continue at this reckless pace, those tomorrows will become hopelessly mortgaged.

The second thing we noticed as we worked on the capital budget was that the state has no rational, long-range plan to guide its capital expenditures.

While on the one hand, programs are being initiated to reduce the state's need for building space --- at the State Hospital, for example --- capital spending requests pour in for more and more space, without taking these reductions into account.

The lack of a coherent plan, I believe, is one of the causes for the runaway debt the state has been incurring.

I propose to you today that we take firm steps to bring this trend of unplanned, unguided and unrestrained capital spending to a halt.

First, I urge you to keep the following limitation in mind: I will not accept a total capital spending figure that is larger than the level of capital debt that will come due in the upcoming biennium.

In other words, the state must begin to lower the total debt of the state by spending less than we retire in indebtedness.

This limitation will force all levels of state government to more sharply define our priorities during each step of the capital budget process --- while department heads prepare their requests, while the governor reviews those requests and makes his recommendations, and while the Legislature acts on those requests and recommendations.

Second, the other part of this proposal is the establishment of a blue ribbon Council on State Property and Capital Debt Management --- consisting of members of the government and private sector --- to assist us in drafting a long-range plan for what capital construction the state really needs now, will need in the future, and can afford.

This council will conduct its study and report back within a year, and then go out of existence.

The Council's task will be to complement the work already going on in the Legislative branch by those of you concerned about the use of state facilities and mounting debt service of the state. Its focus will be on the initial process within the departments and agencies for making their requests, to assure a long-range plan is followed before the requests are even made to the Legislature.

Only through a rational set of priorities can rational decisions on these matters be made. Without it, the capital programs will continue to grow without any real rhyme or reason, and without any yardstick against which they can be reasonably measured.

The combination of a capital spending limitation and this council will provide the state with an extra incentive for a more vigorous oversight of construction projections and equipment acquisitions. It will bring the capital budget more in line

with the process already used in the operating budget, as well it should, since, as I have already pointed out, the capital budget has a direct effect on the operating budget.

Requests from agencies totalled \$49.6 million. My specific capital budget proposal calls for \$11,556,953 of capital spending from the general funds. In addition, I propose \$356,200 in capital projects from the highway fund.

This proposal emphasizes projects which are essential from a life safety or maintenance of services point of view. Items included for the State Hospital, the Laconia State School, the Youth Development Center and the State Prison, for instance, are meant to ensure that the safety of those people in the institutions is not jeopardized.

Other items, such as roof repairs, are included to protect the state's investment in existing buildings.

I have also included funds for energy conservation and management, so that money spent in these areas will eventually be paid back in future fuel savings.

Some items, such as \$375,000 for work at the Laconia State School to modify the rooms and bathrooms to give the school's residents the privacy they deserve, reflect a commitment made during my operating budget recommendations.

In addition, I have noted that many items requested for the capital budget do not properly belong in the long-term financing category. It makes no sense, for example, to finance equipment that has an expected life of five to ten years with 20-year bonds. For those equipment items I am recommending, I propose that they be paid through five-year bonds. I am proposing fixed sums for departments, and the department heads can choose which items they wish to fund with those amounts.

This encroachment of short-term items in the long-range budget again highlights the need for better planning, lest an unrestrained capital budget become more and more the dumping ground of proposals that were not acceptable in the operating budget.

I have not included any items for the University System, because the Board of Trustees has not yet submitted a formal request for capital spending. Until that happens, it would be inappropriate for me to make any recommendations.

I have also not included any appropriation for the historic Upham-Walker House in Concord, which I strongly believe the state should purchase and preserve.

Because of the need to move quickly on this purchase, I do not want it delayed by being tied to the capital budget --- instead, I would propose that it be introduced as a legislative special.

I have included, however, \$118,000 --- one per cent of the total capital budget --- for the arts.

I have been told that this is the first time that money is being set aside specifically for the purchase of works of art and objects of historical significance for state buildings and facilities.

This budget proposal is, to say the least, austere, and the proposals for a

spending ceiling and planning council may seem almost extreme.

But they are all needed to curb the state's growing appetite for debt.

New Hampshire has shown through its operating budget that State government can operate frugally, and we have earned much praise for that tradition. The example set for the operating budget, however, must be extended to our capital spending, or we will make mockery of that praise.

Before I conclude this message, I would like to thank my staff for its work in preparing this budget. And I would like to give special thanks to Comptroller Arthur Fowler and Deputy Comptroller Ralph Brickett, and to the Honorable Joe Eaton, for their contribution.

My staff and I stand ready to work with you on this capital budget, and we ask you to join us in a serious effort to help the state draw up a blueprint for its future --- a future that can, with your assistance, be a future that grows with the needs of our citizens, but is not an overwhelming financial burden to them.

We have done something else, and I'm sure, after having served here, I am not that naive to know what happens with the Capital Budget.

I know that the yardstick I have put on that I feel is appropriate. I know that you represent many constituents from different parts of the state, and I know that you are going to have requests for a vocational school. And I believe there is legislation coming through for an expenditure of funds or a commitment to vocational schools. And I know that there is going to be some give and take.

That is why I stopped at roughly \$11 million. Hopefully, you are not going to go too far over that figure, but I recognize the political reality when something like that takes place.

The only message I wish to present to you here today is: Let's take a look at where we're going; Let's take a look at what we have the ability to pay for. Consider what it does cost us from the operating budget --- the principal and debt.

I'm sure with your judgment and I'm sure with your pressures, that between the both of us we can arrive at a fair settlement that we all can live with. And you'll have my support in that endeavor.

Thank you very much.

AN ACT MAKING APPROPRIATIONS FOR CAPITAL IMPROVEMENTS

Be it Enacted by the Senate and House of Representatives in General Court convened.

Section 1

Appropriation: The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Administration and Control			
(a) Energy Conservation and Management for selected state buildings in Concord	\$ 1,403,000		
(b) Window Replacement - State House Annex	780,000		
(c) Arts Acquisition	118,130		
Total Paragraph I			2,301,130
II. Aeronautics Commission			
Allow Agency Discretion to Fund Priority Projects			500,000
III. Department of Education			
(a) New Hampshire Technical Institute - Study Heating System	20,000		
(b) Vocational-Technical College			
(1) Roof Repairs, Manchester	103,000		
(2) Multipurpose Classroom Building	3,808,000		
(c) Berlin Vocational-Technical College - Library Addition and Renovation - Planning and Design	80,000		
Total Paragraph III			4,011,000
IV. Health and Welfare			
(a) New Hampshire Home for the Elderly - Sprinkler System - Adams Hall	22,000		
(b) New Hampshire Hospital			
(1) New Elevator Dolloff Building	168,000		
(2) Fire Safety Renovations	26,600		
(3) Exit Renovations - Johnson Hall	6,800		
(4) New Exit - Landergan	14,100		
(c) Laconia State School			
(1) Roof Repairs	55,000		
(2) Life Safety Code Renovations - King	155,000		
(3) Life Safety Code Renovations - Blood	455,000		
(4) Privacy and Bathroom Modifications	375,000		
Total Paragraph IV			1,277,500
V. Youth Development Center			
(a) Replace Underground Steamlines	75,000		
(b) Repairs to Swimming Pool Complex	74,000		
(c) Roof Replacement - Riverview House	5,200		
(d) Ramp and Roof Kitchen Area	15,000		
(e) Upgrade Fire Alarm Systems	51,800		
Total Paragraph V			221,000
VI. Resources and Economic Development			
(a) Land Acquisition (DRED determines priorities)	500,000		
(b) Parks and Recreation (maintenance projects only)	640,000		
Total Paragraph VI			1,140,000
VII. Department of Safety			
Glendale Boathouse Renovations			28,000
VIII. State Prison			
(a) Purchase and renovate Halfway House - Hillsborough	135,000		
(b) Life and Fire Safety	27,000		
(c) Food Service Renovations	108,000		
(d) Administration Roof Repairs	21,000		
(e) Wall repairs	75,000		
Total Paragraph VIII			366,000
IX. Water Resources Board (various projects, Water Resources Board determines projects)			
			729,000
X. Department of Labor			
Handicapped Renovations - 16 Pillsbury Street			60,000
XI. Supreme Court			
Office Addition			227,500

Section 2

Appropriation: Department of Public Works and Highways. The sums hereinafter detailed are hereby appropriated for the projects specified.

I.	Public Works and Highways		
	(a) Satellite Garage - Division 3 Area	277,000	
	(b) Computer Room Expansion	79,200	
	Total Paragraph I		356,200

Section 3

Appropriation: The sums hereinafter detailed are hereby appropriated for the acquisition of equipment specified to the departments, agencies, and branches named.

I.	Administration and Control		
	Study of Records Management - Archives		20,000
II.	Education		
	(a) Berlin Vocational-Technical College		
	(1) Natural Resources Equipment		
	(2) Automotive Equipment		
	(3) Mini Buses		
	(4) Business Equipment		
	(b) Concord Technical Institute		
	(1) Computer Air Conditioning		
	(2) Mini Buses		
	(3) Business Equipment		
	(4) Dental Lab Equipment		
	(5) Snow Removal Equipment		
	(6) Repairs to Boiler Conversion Burners		
	(c) Claremont Vocational Technical College		
	(1) Electrical Electronics Equipment		
	(2) Business Department		
	(3) Allied Health Equipment		
	(4) Allied Health Equipment		
	(d) Manchester Vocational Technical College		
	(1) Electronic Equipment		
	(2) Electronic Equipment		
	(3) Machine Tool Equipment		
	(4) Welding Equipment		
	(5) Building Construction Equipment		
	(6) Air Conditioning/Heating Equipment		
	(e) Nashua Vocational Technical College		
	(1) Administrative Equipment		
	(2) Machine Tool Equipment		
	(3) Automotive Equipment		
	(4) Secretarial Science Equipment		
	(5) Dental Lab and Equipment		
	(6) Dental Lab and Equipment		
	Total Paragraph II		428,823
	(To be allocated according to the priorities of the Department among the above projects)		
III.	New Hampshire Hospital		
	(a) Pharmacy Air Conditioning		
	(b) Laundry Equipment		
	(c) Refuse Hauler		
	(d) Tumbler Drivers		
	(e) Sheet Folder		
	(f) Laundry Extractor		
	Total Paragraph III		75,000
	(To be allocated according to the priorities of the Department among the above projects)		
IV.	Safety		
	Forklift		20,000
V.	State Prison		
	(a) Snow Removal Equipment		
	(b) Prison Industries Equipment		
	Total Paragraph V		150,000
	(To be allocated according to the priorities of the Department among the above projects)		

SOURCE OF FUNDS

General Fund Capital Building	10,861,130	
General Fund Capital Equipment	693,823	
Highway Funds - Building	356,200	
Total Capital Appropriation		\$11,911,123

Section 4

Expenditures, General. The appropriation made for the purposes mentioned in sections 1, 2 and 3 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 728.

Section 5

Land Acquisition. Any land acquired under the appropriations made in sections 1 and 2, except such land, if any, as may be acquired under the appropriation for the water resources board shall be purchased by the commissioner of public works and highways with the approval of governor and council.

Section 6

Bonds Authorized. To provide funds for the total of the appropriations of state funds made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of eleven million, nine hundred eleven thousand, one hundred twenty-three dollars and for said purposes may issue bonds and notes in the name and on behalf of the State of New Hampshire in accordance with the provisions of RSA 6-A provided, however, that the bonds issued for the purpose of section 3, shall have a maturity of five years from date of issue; and provided further that the bonds issued for section 1 shall have a maturity of no more than twenty years from date of issue.

Section 7

Payments. The payment of principal and interest on bonds and notes issued for the projects in section 1 shall be made when due from the general funds of the state provided, however, that the payment of principal and interest on bonds issued for projects in section 2 shall be made from the highway fund.

Section 8

Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under section 1, 2 and 3 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 6 shall be reduced by the same amount.

Section 9

Transfers. The individual project appropriations, as provided in sections 1, 2 and 3 shall not be transferred or expended for any other purposes; provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section.

Section 10

Reduction of Appropriations and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 2 and 3 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 6 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

Section 11

Effective Date. This Act shall take effect July 1, 1979.

Rep. French and Sen. Blaisdell moved that the Joint Convention arise.
Adopted.

Sen. Lamontagne and Rep. Spanos moved that the Joint Convention adjourn.
Adopted.

HOUSE

COMMITTEE REPORTS (cont.)

Question being on the Daniell motion to substitute Inexpedient to Legislate, for the committee report, Ought to Pass with Amendment on HB 300, requiring the licensing of rescue squad attendants and driver-attendants.

Rep. Epstein spoke against the motion, and yielded to questions.

(Rep. Chambers in the Chair)

Reps. Murray, Craig and Blanchette spoke against the motion.

Rep. Waters spoke in favor of the motion.

Rep. Guay spoke against the motion and yielded to questions.

Rep. Maglaras moved the previous question. Sufficiently seconded. Adopted.

Motion lost.

Question being on the Committee amendment to HB 300.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Licensing Rescue Squad Attendants and Driver-Attendants. Amend RSA 151-B:13 as inserted by 1971, 479:1 as amended by striking out said section and inserting in place thereof the following:

151-B:13 Applications for License, Driver, Attendants, and Driver-Attendants.

I. Any person, firm, partnership, corporation, municipality, volunteer units, or any other business or organization providing ambulance or rescue squad service shall furnish the director of public health with a list of all persons authorized to drive, or act as attendant or driver-attendant of any ambulance or rescue squad unit owned or operated by him.

II. The director shall provide application forms for licenses under this section. Subject to the approval of the emergency medical service coordinating board, the director shall make reasonable minimum standards of health, performance fitness, education, and moral fitness. He may use the guides established by the American College of Surgeons' Board of Regents as a standard, except that a felony conviction shall not necessarily disqualify an attendant or driver-attendant.

III. Any applicant seeking a license under this section as an attendant or driver-attendant of any ambulance or rescue squad unit must be 18 years of age or older. Nothing in this chapter shall be construed to prohibit persons less than 18 years of age from enrolling in any course

necessary for licensing as an attendant or director-attendant of an ambulance or rescue squad unit.

IV. All driver-attendants and attendants shall hold a current certificate of completion of an advanced first aid course approved by the director. The applicant shall also be certified as proficient in external cardiac compression, and in handling emergency childbirth and persons with acute mental conditions.

V. If there is a hardship imposed upon any applicant for a license under this section because of an unusual circumstance, the applicant may apply to the director for a temporary waiver of the licensing provisions of this section for good cause shown. The director has the power to waive licensing provisions of this section for a period not to exceed 90 days.

VI. No license fee required under this chapter shall be charged to any person not receiving compensation for his services.

Amendment adopted.

Ordered to third reading.

HB 198, providing for a preliminary hearing to determine whether materials are harmful to minors or obscene, where educational, religious or governmental institutions are involved. Ought to Pass with Amendment.

Subject matter passed House and Senate last session and was then vetoed. Since that veto, on October 30, 1978 the United States Supreme Court ruled that the equal protection clause of the United States Constitution does not require that museums, libraries and schools be governed by the same obscenity restrictions that apply to commercial establishments. Amendment merely removes churches from bill. Testimony showed definite need for bill. Committee vote was 17-2. Rep. Minnie F. Carswell for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

providing for a preliminary hearing to determine whether materials are harmful to minors or obscene, where educational or governmental institutions are involved.

Amend RSA 571-B:4, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. No recognized or established school, museum, public library or governmental agency, nor any person acting as an employee or agent of such institution, shall be arrested, charged or indicted for any violation of a provision of this chapter until such time as the material involved has first been the subject of an adversary hearing wherein such institution or person is made a defendant, and, after such material is declared by the court to be harmful to minors, such institution or

person continues to engage in the conduct prohibited by this chapter. The sole issue at the hearing shall be whether the material is harmful to minors.

Amend RSA 650:6, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. No recognized or established school, museum, public library or governmental agency, nor any person acting as an employee or agent of such institution, shall be arrested, charged or indicted for any violation of a provision of this chapter until such time as the material involved has first been the subject of an adversary hearing wherein such institution or person is made a defendant, and, after such material is declared by the court to be obscene matter, such institution or person continues to engage in the conduct prohibited by this chapter. The sole issue at the hearing shall be whether the material is obscene matter.

Amendment adopted.

Ordered to third reading.

Rep. Healy wished to be recorded against HB 198.

HB 365, relative to the additional highway subsidy. Ought to Pass.

This bill extends the time frame in which towns and cities have to utilize the funds from the additional highway subsidy. It also increases the share of the fund to cities and towns. Vote was 14-3. Rep. Joseph L. Parolise for Public Works.

Referred to Appropriations.

HB 258, relative to possession of an open container of an alcoholic beverage while operating a motor vehicle. Inexpedient to Legislate.

The Committee feels that the language "open container" as it pertains to an alcoholic beverage would be much too difficult for law enforcement officials to enforce, and further, the use of the word "knowingly" is inconsistent with the requirements for a violation under the Criminal Code, where it is unnecessary to prove a state of mind. Vote was 12-2. Rep. Edwin L. Waters for Transportation.

Resolution adopted.

HB 135, establishing the position of therapeutic recreation specialist and making an appropriation therefor. Ought to Pass.

The Committee believes that creating the position of Therapeutic Recreation Specialist within the Department of Resources and Economic Development will open up a resource to the communities throughout the State, not heretofore provided, enabling them to deal more effectively with new concepts in recreational therapy and further to help these communities to prepare to better serve the special needs population being mainstreamed into the communities under existing mental health programs. Vote was 15-3 on report and 18-0 for

placement on Consent Calendar. Rep. Jeffrey C. Miller for Resources, Recreation and Development.

Rep. Heald explained the committee report and yielded to questions.

Referred to Appropriations.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 96, an act amending the charter provisions of the Littleton water and light department and providing for local referendum. (Amendment printed SJ March 14) Rep. Mann moved that the House concur. Adopted.

HB 21, authorizing the executive director to sell or dispose of certain confiscated equipment. (Amendment printed SJ March 14)

Rep. Stimmell moved that the House concur.

Adopted.

(Speaker in the Chair)

Rep. McLane presented the monthly report from the Committee on Ways and Means on the Revenue Estimates and Receipts.

The Ways and Means Committee N E W H A M P S H I R E DATE 03/14/79

OF THE GENERAL ACCOUNT

GENERAL FUND - UNRESTRICTED REVENUE

COMPARATIVE STATEMENT OF REVENUE ESTIMATES AND RECEIPTS

FOR THE PERIOD FROM 07/01 TO 12/31/79 FISCAL YEARS 1978 AND 1979

	-----FISCAL YEAR 1978-----			-----FISCAL YEAR 1979-----			
	TOTAL RECEIVED	% OF TOTAL RECEIVED	LEGIS ESTIMATE	DATE RECEIVED	% OF EST RECEIVED		
	DATE 02/28/78			DATE 02/28/79			
BEER	4,671,072.00	2,927,179.52	62.533	4,750,000.00	3,190,523.20	67.169	1.474
BOARD & CAPE	8,562,399.53	5,245,355.48	61.267	9,350,000.00	5,925,959.43	63.379	9.198
BUSINESS PROFITS TAX	52,453,231.59	25,731,218.62	49.156	46,000,000.00	31,955,318.77	69.281	19.778
ESTATE & LEGACY TAXES	6,914,346.15	4,353,025.30	62.956	6,390,000.00	4,786,612.72	75.981	8.886
INSURANCE	10,761,314.26	1,220,719.58	11.344	11,550,000.00	592,143.64	5.348	7.329
LICENS	34,032,257.00	23,619,773.31	69.402	33,500,000.00	26,900,000.00(E)	80.299	1.564
MEALS & ROOMS TAX	15,346,639.00	8,940,395.00	58.103	16,500,000.00	15,250,138.00	62.364	7.236
OTHER	16,617,328.45	9,480,133.99	57.110	18,200,000.00	11,291,781.11	62.043	9.524
PARKS INCOME	3,440,659.00	2,533,917.34	72.801	2,780,000.00	2,312,493.45	83.183	20.130
GREYHOUND PACING	8,745,923.00	5,376,044.37	61.469	9,650,000.00	4,841,262.86	50.169	10.337
HARNESS PACING	2,234,591.55	1,112,554.80	49.799	2,625,000.00	814,919.41	31.045	17.476
THOROUGHBRED PACING	4,858,397.72	4,458,259.72	99.997	4,925,000.00	4,843,467.80	98.345	1.371
TELEPHONE	6,549,836.02	6,544,408.73	100.055	6,900,000.00	6,959,400.05	100.861	5.491
TORRADO	26,977,244.00	17,608,713.05	65.686	26,000,000.00	17,323,822.00	66.630	3.011
UTILITIES	2,029,649.18	.00	.000	2,400,000.00	.00	.000	18.247
TOTAL	204,105,764.45	119,561,326.76	58.578	202,230,000.00	131,938,042.44	65.242	.919

(E) Amounts for the months of October 1978 through February 1979 are estimated.

SIX-DAY EXTENSIONS GRANTED

HB 199, relative to the sale of petroleum by-products by manufacturers or suppliers to retail dealers. (Commerce and Consumer Affairs)

HB 205, extending required mental or nervous condition coverage by health insurance, hospital service corporations and medical service corporations to physicians using hypnosis. (Commerce and Consumer Affairs)

HB 236, relative to landlord and tenant relations. (Commerce and Consumer Affairs)

CACR 7, Relating to: Compensation for Legislators. Providing that: Presiding Officers of Both Houses Receive \$2,500 Per Year and All Other Members Receive \$2,000 Per Year. (Constitutional Revision)

HB 197, relative to public utilities issuing stock in return for construction work in progress charges. (Commerce and Consumer Affairs)

COMMITTEE APPOINTMENT

Rep. Mayhew, Committee on Environment and Agriculture.

Rep. George Roberts and Sen. Monier offered the following:

RESOLUTIONS

WHEREAS, the great state of New Hampshire has the two top hockey teams in the Eastern College Athletic Conference, champion University of New Hampshire and runner-up Dartmouth College, and

WHEREAS, the ECAC championship is a first for the University of New Hampshire, and

WHEREAS, it is a first for the two winning teams in the Eastern Division to both come from the small and noble state of New Hampshire, and

WHEREAS, the University of New Hampshire by its tremendous achievement has brought great honor and pride to the state of New Hampshire, and

WHEREAS, both teams are to embark on March 21, 1979, for the National Collegiate Athletic Association Championship games to be held in Detroit, Michigan, therefore be it

RESOLVED, that the General Court of New Hampshire proudly sends the hockey teams of the University of New Hampshire and Dartmouth on their way with Godspeed and best wishes, this fifteenth day of March, 1979, and he it further

RESOLVED, that a copy of this resolution be sent to Charles E. Holt, Jr., Coach of the winning University of New Hampshire team and George E. Crowe, coach of the runner-up Dartmouth College team.

Unanimously adopted.

Reps. French and Chambers offer the following:

RESOLUTIONS

WHEREAS, the House has reluctantly learned of the illness of the member from Merrimack, Rep. Elaine Lyons, and

WHEREAS, Rep. Lyons serves in several official leadership positions, one of them

being the prestigious, prickly, and prohibitive post of Chairman of the Subcommittee on Resolutions and Screening, and

WHEREAS, without her guidance as to the merits of this resolution, the House is uncertain as to the proper procedure to follow to adopt a resolution, and

WHEREAS, her absence necessitates a complete, universal and all-encompassing suspension of all rules past, present and future, so that this resolution can come before this body, now therefore be it

RESOLVED, by the House of Representatives that all Rules, be they House, Home or Hospital, that stand in the way of a rapid and complete recovery and return to this chamber by Rep. Lyons be suspended, and be it further

RESOLVED, that a copy of this resolution be imprinted on a hospital johnny thus ensuring that the resolution literally will warm her heart and be presented to her by the most prolific suspender of the Rules, the House Majority Leader, Rep. Marshall French.

Rep. Carswell spoke in favor of the resolution.

Unanimously adopted.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 20 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 73, relative to the state guarantee limitation on the aggregate sum for pollution control projects.

HB 85, relative to borrowing in anticipation of funds in fish and game fund and fish and game projects supported by federal funds obtained under the Pitman-Robertson Act and making an appropriation therefor.

HB 109, increasing the appropriation for cooperative extension work.

HB 118, creating the New Hampshire national guard scholarship fund.

HB 149, relative to expenses for insurance examiners and making an appropriation therefor.

HB 268, to require motor vehicles carrying property for hire to submit competitive bids when they contract with state departments.

HB 288, providing for payment of a claim to Albert Kashulines and making an appropriation therefor.

HB 101, relative to the sealing and sale of the skins of fur-bearing animals.

HB 122, relative to the definition of "game animals."

HB 343, relative to organ donors being specified on identification cards issued by the director of motor vehicles.

HB 89, providing a penalty for disclosure of confidential department of revenue administration records.

HB 208, increasing the homestead exemption.

HB 283, relative to appointing guardians for residents of Glenclyff home for the elderly.

HB 347, relative to restrictions on advertising devices on the federal-aid secondary highway system.

HB 257, relative to motor vehicle lighting equipment requirements.

HB 121, relative to the keeping of wild animals.

HB 141, relative to the importing and releasing of wild animals in the state.

HB 276, relative to health screening for all members of the general court.

HB 300, requiring the licensing of rescue squad attendants and driver-attendants.

HB 198, providing for a preliminary hearing to determine whether materials are harmful to minors or obscene, where educational or governmental institutions are involved.

Rep. French moved that the House stand in recess from time to time for the sole purpose of introducing bills and enrolling reports and when the House adjourns today, it be to meet Tuesday, March 20 at 1:00 p.m.

RECESS

Rep. Hildreth offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 568 through 599 and 601 through 616, and House Bill of Intent 2009 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS and HBI First, second reading and referral

HB 568, providing for exemption of machinery and equipment from the property tax. (Dickinson of Carroll Dist. 2; Clements of Merrimack Dist. 1; Kidder of Merrimack Dist. 1 - To Municipal and County Government)

HB 569, relative to the burden of proof in personnel commission appeal hearings. (Ward of Grafton Dist. 1; Eaton of Hillsborough Dist. 1; Coutermarsh of Hillsborough Dist. 24; Hildreth of Belknap Dist. 6; Head of Hillsborough Dist. 10; Wheeler of Hillsborough Dist. 8 - To Executive Departments and Administration)

HB 570, relative to the composition of the personnel commission. (Ward of Grafton Dist. 1; Skinner of Rockingham Dist. 3A; Eaton of Hillsborough Dist. 1; Coutermarsh of Hillsborough Dist. 24; Hildreth of Belknap Dist. 6; Wheeler of Hillsborough Dist. 8; Head of Hillsborough Dist. 10 - To Executive Departments and Administration)

HB 571, relative to the place and time of detention of arrestees. (Healy of Hillsborough Dist. 29 - To Judiciary)

HB 572, regulating motor vehicle and motorcycle sound emission levels. (Girolimon of Hillsborough Dist. 30; Smith of Hillsborough Dist. 14; Gould of Rockingham Dist. 4 - To Transportation)

HB 573, relative to credits for legacy and succession taxes paid on prior transfers. (Rogers of Rockingham Dist. 10; Sen. Hancock of Dist. 15 - To Ways and Means)

HB 574, relative to the vivisection of and scientific experiments on live and dead animals in schools K-12. (Sabbow of Belknap Dist. 6 - To Education)

HB 575, revising the election laws. (French of Belknap Dist. 1; Spiro of Hillsborough Dist. 27 - To Statutory Revision)

HB 576, requiring refunds on soft drink and alcoholic malt beverage containers. (Blanchette of Rockingham Dist. 14; Krasker of Rockingham Dist. 22; Head of Hillsborough Dist. 10; Gage of Rockingham Dist. 13; Rice of Merrimack Dist. 20; Rogers of Rockingham Dist. 10; Corser of Hillsborough Dist. 2; Morrison of Hillsborough Dist. 14; Gagnon of Hillsborough Dist. 13; Heald of Hillsborough Dist. 5; Smith of Hillsborough Dist. 14; Taffe of Grafton Dist. 5; Woinowski of Rockingham Dist. 14; Nemzoff-Berman of Hillsborough Dist. 18; Aeschliman of Rockingham Dist. 18; Burchell of Strafford Dist. 12; Rile of Cheshire Dist. 10; Pine of Strafford Dist. 4; Schreiber of Strafford Dist. 4; Stahl of Hillsborough Dist. 17; Pevear of Rockingham Dist. 12; Miller of Cheshire Dist. 1; E. Wheeler of Hillsborough Dist. 11; K. Wheeler of Hillsborough Dist. 11; Meader of Strafford Dist. 14; Kozacka of Rockingham Dist. 13; Stokes of Merrimack Dist. 18; MacDonald of Rockingham Dist. 20; King of Grafton Dist. 13; Haynes of Coos Dist. 1; Hartford of Rockingham Dist. 17; Bowler of Belknap Dist. 3; Reese of Rockingham Dist. 6; Skinner of Rockingham Dist. 3A; Gould of Rockingham Dist. 4; Cahill of Rockingham Dist. 15; Leslie of Rockingham Dist. 5; Copenhaver of Grafton Dist. 13; Dunfey of Rockingham Dist. 12; Sackett of Strafford Dist. 4; Blakenev of Merrimack Dist. 17; Day of Hillsborough Dist. 26; Kane of Rockingham Dist. 13; Holliday of Merrimack Dist. 3; LoFranco of Rockingham Dist. 12; Jackson of Rockingham Dist. 9; Belak of Sullivan Dist. 2 - To Commerce and Consumer Affairs)

HB 577, relative to increasing the number of trustees on town boards of trustees. (Jackson of Rockingham Dist. 9 - To Municipal and County Government)

HB 578, relative to retirement credit under the New Hampshire retirement system for certain members of the Manchester police department. (Nardi of Hillsborough Dist. 27 - To Executive Departments and Administration)

HB 579, relative to certain persons applying for a marriage license. (Cutting of Sullivan Dist. 4 - To Statutory Revision)

HB 580, relative to lowering the age of juveniles for criminal process purposes. (Eaton of Cheshire Dist. 11 - To Judiciary)

HB 581, relative to salaries of district court justices. (Ayres of Merrimack Dist. 8;

Spanos of Sullivan Dist. 4; Sen. Rock of Dist. 12; Sen. Blaisdell of Dist. 10 - To Municipal and County Government)

HB 582, relative to eligibility disclosure provisions on tax exemption applications. (Peters of Hillsborough Dist. 9; Van Loan of Hillsborough Dist. 9; Richards of Hillsborough Dist. 9 - To Municipal and County Government)

HB 583, relative to taxing certain property, otherwise exempt, in the town of Orford. (Thomson of Grafton Dist. 7 - To Municipal and County Government)

HB 584, providing full pay for persons injured and covered under the purview of workmen's compensation. (McDonough of Hillsborough Dist. 29 - To Labor, Human Resources and Rehabilitation)

HB 585, relative to the real estate foreclosure law. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 586, relative to tax maps. (Nims of Cheshire Dist. 15 - To Municipal and County Government)

HB 587, relative to eliminating the \$30,000 asset limitation on property tax exemptions for the blind. (Jones of Rockingham Dist. 13 - To Municipal and County Government)

HB 588, relative to liability of physicians, nurses and ambulance attendants in emergency situations. (Jones of Rockingham Dist. 13 - To Health and Welfare)

HB 589, relative to the interest rate on judgments. (J. Herchek of Strafford Dist. 16 - To Judiciary)

HB 590, relative to the number of superior court justices. (J. Herchek of Strafford Dist. 16 - To Judiciary)

HB 591, relative to juror and witness fees. (J. Herchek of Strafford Dist. 16 - To Municipal and County Government)

HB 592, relative to the penalty assessment levied on criminal fines. (J. Herchek of Strafford Dist. 16 - To Public Protection and Veterans' Affairs)

HB 593, relative to accommodating the overflow crowd from cocktail lounges. (Woodman of Rockingham Dist. 12; LoFranco of Rockingham Dist. 21; Landry of Rockingham Dist. 23 - To Regulated Revenues)

HB 594, establishing a state commission for the blind. (Nardi of Hillsborough Dist. 27; Wallin of Hillsborough Dist. 16; Stimmell of Rockingham Dist. 1; Boisvert of Hillsborough Dist. 22; Gagnon of Hillsborough Dist. 21; Dion of Hillsborough Dist. 21; Chagnon of Hillsborough Dist. 23; Pappas of Hillsborough Dist. 18; Kaklamanos of Hillsborough Dist. 21; Valliere of Merrimack Dist. 19; Mulligan of Hillsborough Dist. 19; Gibbons of Rockingham Dist. 4 - To State Institutions)

HB 595, to provide for the protection and preservation of historic resources, including artifacts, treasure and objects of antiquity which have historical value. (Appel of Rockingham Dist. 17; Griffin of Rockingham Dist. 19; Parr of Rockingham Dist. 12; LoFranco of Rockingham Dist. 21; Benton of Rockingham Dist. 2; Krasker of Rockingham Dist. 22; Low of Grafton Dist. 9 - To Resources, Recreation and Development)

HB 596, adopting certain uniform amendments to Article 9 of the uniform commercial code. (To Blanchette of Rockingham Dist. 14 - To Judiciary)

HB 597, concerning hearings conducted by the health and welfare advisory commission. (Stickney of Rockingham Dist. 16 - To Health and Welfare)

HB 598, establishing a hearings officer for the division of welfare. (Stickney of Rockingham Dist. 16 - To Health and Welfare)

HB 599, concerning confidentiality of welfare records. (Blanchette of Rockingham Dist. 14; Nighswander of Belknap Dist. 2; Sen. Gardner of Dist. 4 - To Health and Welfare)

HB 601, relative to certain changes in laws relating to the division of welfare. (Selway of Merrimack Dist. 14; Murray of Hillsborough Dist. 3 - To Health and Welfare)

HB 602, relative to settling of welfare disputes between the towns, counties or the state. (Stickney of Rockingham Dist. 16; Murray of Hillsborough Dist. 3 - To Health and Welfare)

HB 603, relative to revaluation assistance. (Boucher of Merrimack Dist. 6 - To Executive Departments and Administration)

HB 604, to permit certain refunds of money by state departments upon their receipt of incorrect amounts. (Dickinson of Carroll Dist. 2 - To Executive Departments and Administration)

HB 605, relative to the penalties for theft and criminal mischief. (Campbell of Rockingham Dist. 5; Trombly of Merrimack Dist. 10 - To Judiciary)

HB 606, relative to the restoration of rail passenger service in New Hampshire. (Coutermarsh of Hillsborough Dist. 24 - To Legislative Administration)

HB 607, relative to state police workmen's compensation provisions. (Domini of Sullivan Dist. 7 - To Labor, Human Resources and Rehabilitation)

HB 608, eliminating the state university system study committee. (Dionne of Belknap Dist. 6 - To Legislative Administration)

HB 609, requiring trucks or tractors towing low-bed trailers or transporter to have a flashing beacon at all times. (Smith of Hillsborough Dist. 14; Arris of Hillsborough Dist. 14; Dolbec of Hillsborough Dist. 14 - To Transportation)

HB 610, providing for the regulation of cable television facilities using utility poles. (Coutermarsh of Hillsborough Dist. 24; Plourde of Merrimack Dist. 7 - To Science and Technology)

HB 611, relative to the subpoena power of the attorney general in criminal matters. (Eaton of Cheshire Dist. 11 - To Judiciary)

HB 612, to clarify and amend the business profits tax and the law relative to the department of revenue administration. (French of Belknap Dist. 1 - To Ways and Means)

HB 613, requiring suspension of liquor licenses for failure to pay rooms and meals tax. (French of Belknap Dist. 1 - To Ways and Means)

HB 614, imposing a registration fee for sailboats 15 feet in length and over. (French of Belknap Dist. 1; Maglaras of Strafford Dist. 17 - To Transportation)

HB 615, increasing the agent's fee for registering boats. (French of Belknap Dist. 1; Maglaras of Strafford Dist. 17 - To Transportation)

HB 616, relative to appraisers of taxable property. (French of Belknap Dist. 1 - To Executive Departments and Administration)

HBI 2009, relative to requiring all marine biology work for the fish and game department to be handled by the university of New Hampshire. (Peterson of Rockingham Dist. 22; Griffin of Rockingham Dist. 19 - To Fish and Game)

Rep. Hildreth moved that the House adjourn.

Adopted.

HOUSE JOURNAL 16

Tuesday 20Mar79

The House met at 1:00 p.m.

Prayer was offered by the House
Chaplain, Rev. William L. Quirk.

Let us pray:

Father of goodness and love, we ask for
Your healing presence among us.

We ask that You send Your favor and
blessings on all who labor in our State.
Make the work of the factory worker, school
and hospital professionals, office workers
and farm people creative and purposeful and
rewarding.

May Your grace support us in this
assembly, that we might all develop our
gifts and talents. Allow us to carry on our
work with patience, thankfulness and joy as
we dutifully and conscientiously fulfill the
tasks that are before us. Amen.

Rep. Wojnowski led the Pledge of
Allegiance.

LEAVES OF ABSENCE

Reps. Russell, Lyons, Hoar, Fisher,
Cotton, Hebert, John Winn, Hardy, Rice,
Sweeney, Thibeault, Emile Boisvert and
Burrows, the day, illness.

Reps. Beard, Madigan, Stylianos, Raymond
Dupont, Pine, Morgan, Margaret Ramsay,
Wiggins, Copenhagen, Sabbow, Pastor, Roland
Lemire, Spanos, O'Connor, McIver, Boyer and
Roy Davis, the day, important business.

Rep. Wilfrid Boisvert, the day, death in
the family.

INTRODUCTION OF GUESTS

Girl Scout Cadet Troop No. 222 of the
Swift Water Council, guests of the Hanover
Delegation; 4th Grade students of Mason
School and their teacher, Mrs. Cullinan,
guests of Rep. Grasso; Anne Moore, daughter
of Rep. Moore; Silvio Morin, guest of Rep.
Baker.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 40, repealing the advertising
restriction relative to a bank's authority to
act as executor. (Commerce and Consumer
Affairs)

SB 41, relative to reserve requirements
for banks. (Commerce and Consumer Affairs)

SB 68, making an appropriation for the
governor's commission for the handicapped.
(Appropriations)

SB 25, establishing a committee to
propose a recodification of the highway and
road laws in title XX and other RSA titles
and making an appropriation therefor.
(Transportation)

SB 57, making a supplemental
appropriation to the department of safety.
(Appropriations)

SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENT

HB 32, relative to the fish and game
licensing agent's accounting. (Amendment
printed in SJ March 15)

Rep. Stimmell moved that the House
concur.

Adopted.

CONCURRENCE

HB 65, to exempt certain utilities from
the need to seek approval to levy certain
fuel and adjustment charges.

NONCURRENCE REQUEST COMMITTEE OF CONFERENCE

HCR 1, adopting joint rules for the 1979
sessions.

The President appointed Sens.

Lamontagne, Monier, Rock, Brown and Preston.

Rep. French moved that the House accede
to the request.

Adopted.

The Speaker appointed Reps. French,
Tucker, George Roberts, Chambers, Spirou,
Coutermarsh and Griffin.

ENROLLED BILLS REPORT

HB 119, regarding administration of
oaths in the national guard.

HB 200, authorizing the exchange of a
pheasant egg incubator for 3 years with the
state of Massachusetts for 1800 pheasants.

HB 70, providing a penalty for using an
artificial light during certain months to
locate wild birds or animals, except
raccoons.

HB 127, changing the custody of the jail
in Manchester.

HB 21, authorizing the executive
director to sell or dispose of certain
confiscated equipment.

HB 65, to exempt certain utilities from
the need to seek approval to levy certain
fuel adjustment charges.

Rep. George Maglaras
For the Committee

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the Consent
Calendar, with the relevant committee
amendments, be adopted as printed in today's
House Record.

Adopted.

HB 333, relative to the cost of
governmental communication. Inexpedient to
Legislate.

Testimony given the Committee made it
plain that the costs of determining
individual expense for documents was
probably impossible to ascertain. Vote
was 14-0. Rep. Louisa K. Woodman for
Executive Departments and Administration.

HB 156, requiring persons engaged in the
hunting of game animals to wear a hunting
cap or any article of clothing in a color
known as hunter orange. Inexpedient to
Legislate.

Committee felt it should be left up to

the individual as to whether they wear blaze orange or not. Vote was 14-0.
Rep. John H. Stimmell for Fish and Committee.

HB 190, relative to the penalty for the illegal taking of wild turkey. Ought to Pass with Amendment.

This bill raises the penalty for illegal taking of wild turkey. Vote was 14-0.
Rep. John H. Stimmell for Fish and Game.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:
2 Effective Date. This act shall take effect upon its passage.

HB 242, relative to equalizing the discounts to all liquor licensees.
Inexpedient to Legislate.

The substance of this bill is taken care of by HB 60. Therefore, sponsor requested the House kill this bill.
Vote was 15-0. Rep. Lynn C. Horton for Regulated Revenues.

COMMITTEE REPORTS (Regular Calendar)

HB 180, to provide for the protection of native wildlife species facing possible extinction. Majority: Inexpedient to Legislate. Minority (Fritz T. Sabbow): Ought to Pass.

MAJORITY: The majority of the Committee felt the bill was too broad and most endangered species are covered under federal statutes. Vote was 12-3. Rep. Charles H. Felch, Sr. for Fish and Game.

MINORITY: Minority agrees with the Fish and Game Department and hundreds of other people who either testified or sent letters in favor of studies to determine the extent of species and prevent further extinction of wildlife from New Hampshire woods. Vote was 12-3. Rep. Fritz T. Sabbow for Fish and Game.

Rep. Corser moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Wolfson, Gerald Smith, Pantelakos, Felch, Woodman and Stimmell spoke against the motion.

Reps. Dickinson, Proctor, Belak and Silva spoke in favor of the motion.

Reps. Wallin and Quimby spoke in favor of the motion and yielded to questions.

Rep. Joseph MacDonald moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 184 NAYS 152
YEAS 184

BELKNAP: Birch, Bordeau, Bowler, Gary Dionne, Michael Hanson, Hildreth, Mansfield, Matheson, Nighswander, Randall and Sanders.

CARROLL: Chase, Desjardins, Dickinson,

Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Daniel Eaton, Gordon, Ladd, Lynch, Matson, Miller, Nims, Proctor, William Riley and Vrakatitsis.

COOS: Elmer Beaulac, Bouchard, Brungot, Fortier, Guay, Bradley Haves, Horton, Alcide Valliere, Willey and Wiswell.

GRAFTON: Chambers, Corry, Michael King, LaMott, McAvoy, Rounds and Taffe.

HILLSBOROUGH: Ainlev, Archambault, Aris, Baker, Bosse, Corey, Corser, Catherine-Ann Day, Drewiak, Beverly Dupont, Gabrielle Gagnon, Nancy Gagnon, Guidi, Hall, Head, Heald, Healy, Hendrick, Howard Humphrey, Jamrog, Kaklamanos, Keefe, Lefebvre, McCarthy, McLaughlin, Milton Mevers, Morrison, Mulligan, Fred Murray, Nardi, Nemzoff-Berman, Pappas, Aime Paradis, Perkins, Peters, Plomaritis, Proulx, Peter Ramsey, Richards, Roy, Sallada, Silva, Leonard Smith, Spirou, Stahl, Francis Sullivan, James Sullivan, Pock Tremblay, Wallin, James J. White and M. Arnold Wight.

MERRIMACK: Allgeyer, Bellerose, Blakeney, Bodi, Carroll, Colby, Epstein, Holliday, James Humphrey, Locke, McLane, O'Neill, Paire, Selway, Stio, Stokes, Trachv, Rick Trombly, Underwood and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Blake, Blanchette, Butler, Cahill, Marilyn Campbell, Carpenito, Collins, Connors, Roy Davis, Dunfey, Flanagan, Gibbons, Gould, Greene, Hartford, Jackson, Jones, Kane, Kozacka, Krasker, Landry, Laycock, Leslie, Lovejoy, Joseph MacDonald, Norman Myers, Newell, Newman, Parolise, Parr, Pevear, Quimby, Reese, Scamman, Schwaner and Stickney.

STRAFFORD: Burchell, Demers, DeNafio, Donnelly, Gauvin, Charles Grassie, Dianne Herchek, James Herchek, Lessard, Maglaras, McManus, Meader, Nadeau, Preston, Dennis Ramsey, Robinson, Sackett, Schreier, Donald Smith, Tripp, Valley, Vaughan and Whitehead.

SULLIVAN: Edmund Belak, David Campbell, D'Amante, LeBrun, Lucas, Spaulding, Townsend and Williamson.

NAYS 152

BLEKNAP: French, Lawton and Morin.

CARROLL: Roderick Allen, Heath, Howard and Keller.

CHESHIRE: Baybutt, Crane, Jesse Davis, Eisengrein, Ernst, Kohl, Moore, Poanessa, Scranton and Jean White.

COOS: Burns, Chappell, Hunt, Mayhew, Oleson, Richardson, Theriault and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Christy, Clark, Dearborn, Foster, Logan, Low, Lownes, Mann, Pepitone, Snell, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Aubut, Brack, Burkush, Carswell, Yvette Chagnon, Compagna, Joseph

Cote, Coutermarsh, Craig, Joseph Cote, Coutermarsh, Craig, Crotty, Dolbec, Donovan, Clyde Raton, Joseph Eaton, Peter Flynn, Gelinas, Granger, Karnis, Labombarde, Levesque, Madigan, Martineau, Mazur, Naro, Odell, Peter Parady, Pelletier, Podles, Polak, David Ramsay, Record, Reidy, Soucy, Steiner, Vachon, Van Loan, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, Cecelia Winn and Zajdel.

MERRIMACK: Ayles, Bibbo, Laurent Boucher, John Cate, Milton Cate, Clements, Daniell, Hill, Kidder, Mitchell, Nichols, Randlett, Doris Riley, William Roberts, Shepard, Gerald Smith, Stockman, Ernest Valliere and Waters.

ROCKINGHAM: Benton, Bisbee, William Boucher, Patricia Cote, Robert Day, Ellvson, Felch, Joseph Flynn, Beverly Gage, Griffin, Kashulines, Keenan, Roger King, LoFranco, McEachern, Pantelakos, Peterson, Pucci, Rogers, Schmidtchen, Skinner, Freda Smith, Splaine, Stimmell, Sytek, Tavitian, Tufts, Vartanian, Vlack, Warbuton, Helen Wilson, Wojnowski, Wolfson and Woodman.

STRAFFORD: Canney, Ronald Chagnon, Drew, Farnham, Gosselin, Joos, Pray and Winkley.

SULLIVAN: Brodeur, Cutting, Domini, Sim Gray, Palmer and Tucker, and the motion to substitute Ought to Pass was adopted.

Question being on the substitute committee report, Ought to Pass.

Ordered to third reading.

Rep. Carl Gage wished to be recorded in favor of Ought to Pass on HB 180.

HB 212, requiring the reporting of induced terminations of pregnancy. Inexpedient to Legislate.

The Health and Welfare Committee felt that this bill would be an invasion of a woman's privacy. The Committee failed to see the relevancy of these statistics for the purpose of health planning. Vote was 9-6. Rep. Carl P. Foster for Health and Welfare.

Rep. Wilson moved that HB 212 be recommitted to the Committee on Health & Welfare and spoke to the motion.

Adopted.

Recommitted to the Committee on Health and Welfare.

HB 223, relative to public charges at publicly assisted housing for the elderly. Ought to Pass with Amendment.

This bill adds publicly assisted housing for elderly to list of institutions. A housekeeping bill which helps to clarify settlement law. Vote was 19-0. Rep. Eugene S. Daniell, Jr. for Health and Welfare.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definitions. Amend RSA 166:1 by striking out said section and inserting in place thereof the following:

166:1 Definitions. As used in this chapter:

I. "County paupers" means those for whose support no person or town in this state is chargeable.

II. "Disabled individual" means a person receiving state administered aid to the totally and permanently disabled, veteran's disability benefits, social security disability benefits, supplemental security income benefits, or other disability benefits administered under the state or federal government.

III. "Elderly" means anyone 55 years of age and older.

2 Housing for the Elderly. Amend RSA 166:8, I as amended by striking out said paragraph and inserting in place thereof the following:

I. Any person who is or becomes a public charge while at any child caring agency, hospital, home for the aged, nursing home, rest home, convalescent home, shared home for adults, or similar facility, or an elderly or disabled person, who lives in a multiple unit rental dwelling which is fully or partially subsidized by HUD or the department of agriculture, farmer's home administration is chargeable for support to the county in which he last resided before entering such institution, unless such person has a settlement in some town or city at the time he entered the institution.

3 Applicability. The county, town or city which is currently paying for support of any elderly or disabled person, as defined in RSA 166:1 as amended by section 1 of this act, who is residing in housing for the elderly pursuant to RSA 166:8, I on the effective date of this act shall be chargeable for support as provided in this act. After the effective date of this act, the county in which the elderly or disabled person last resided before entering public housing shall be chargeable for support of an elderly or disabled person moving into such public housing, unless such person has a settlement in some town or city at the time he entered the institution.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 287, authorizing the purchase of personal liability coverage for individuals providing care to adults residing in certified shared homes, and making an appropriation therefor. Ought to Pass.

Authorizes the purchase of personal liability coverage for individuals in shared homes. This is presently being done for foster care of children. Vote was 12-7. Rep. Helen F. Wilson for Health and Welfare.

Referred to Appropriations.

HB 342, relative to the state's reimbursement of certain nursing homes at 100 per cent of reasonable cost. Inexpedient to Legislate.

Economically unsound and would not create any incentive for better management practices to assist in cost containment in health care. Vote was

18-0. Rep. Eugene S. Daniell, Jr. for Health and Welfare.

COMMITTEE REPORTS
(Consent Calendar)

Resolution adopted.

HB 60, to increase the discounts allowed on the prices of liquor and wine sold to hotels and clubs by the liquor commission. Ought to Pass with Amendment.

The amendment lowers the discount on table wines to 10 per cent, so that all discounts would be 10 per cent on case lot sales from the warehouse only. Due to the growth in the wine industry, this bill will lessen the extra work on our liquor store personnel, decrease the floor space problem in the local stores, and decrease the extra handling and delivery from the warehouse. Thus, the wholesale and retail division of the Liquor Commission will be separated. Rep. Jean T. White for Regulated Revenues.

Rep. Ward moved that HB 60 be recommitted to the Committee on Regulated Revenues.

Adopted.

Recommitted to the Committee on Regulated Revenues.

HB 286, relative to improvements to the Salem liquor store and making an appropriation therefor. Ought to Pass with Amendment.

There was ample testimony attesting to the fact that repairs and improvements are sorely needed. Increased traffic and activity along Route 28 and the vicinity of the Salem Liquor Store present problems of ingress and egress to the store. Liquor Commission and Public Works concur. Vote was 15-0. Rep. Ralph J. Morin for Regulated Revenues.

Amendment

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Appropriation. The sum of \$10,100 is hereby appropriated for the purposes of section one for the fiscal year ending June 30, 1980 and the sum of \$300 is appropriated for said purposes for the fiscal year ending June 30, 1981. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect on its passage.

Amendment adopted.

Referred to the Committee on Public Works.

SUSPENSION OF RULES

Rep. French moved that the rules be so far suspended as to permit consideration at the present time of those committee reports listed for action on Thursday.

Adopted by the necessary two-thirds.

Rep. French moved that the Consent Calendar, with the relevant committee amendments, be adopted as printed in today's House Record.

HB 247 was removed from the Consent Calendar at the request of Rep. Blakeney.

HB 305 was removed from the Consent Calendar at the request of Rep. James J. White.

HB 163 was removed from the Consent Calendar at the request of Rep. Rogers. Adopted.

HB 232, relative to the option of electing members of the board of adjustment in towns. Inexpedient to Legislate.

Legislation does not address any real serious problem, is better covered in other bills already introduced. Vote was 17-0. Rep. Anthony Peditone for Municipal and County Government.

HB 246, relative to disqualification of planning board members. Inexpedient to Legislate.

This bill would serve to confuse the issue because of vague language. Present law covers the situation. Vote was 15-1. Rep. Peter P. Parady for Municipal and County Government.

HB 326, providing for the election of city officers in the city of Nashua on a political party basis. Inexpedient to Legislate.

The Committee's decision is based on the fact that the Nashua City Charter provides the mechanism for this change and the citizens would be better served by deciding on the local level. Also, there was very little support among those testifying before the Committee and in the Nashua delegation. Vote was 17-0. Rep. Selma R. Pastor for Municipal and County Government.

SB 20, relative to the charter of the Frisbie Memorial Hospital. Ought to Pass. Housekeeping measure. Internal Revenue Service now supervises non-profit organizations. Unanimous vote. Rep. Natalie S. Flanagan for Statutory Revision.

HB 319, prohibiting certain tires on any way in this state between May 1 and November 1. Inexpedient to Legislate.

The use of studded tires in recent years has considerably diminished. The Committee felt that people in rural areas benefit by studded tires well into the summer months and the damage resulting to the hard surfaced road is really not presently significant. Vote was 12-0. Rep. K. Michael Tavitian for Transportation.

HB 320, relative to disabled or unattended motor vehicles. Inexpedient to Legislate.

The Committee felt this idea was pretty well taken care of in RSA 266:1 and that the passage of HB 320 without

clarification in some areas could lead to considerable inconvenience to the owners or operators of vehicles temporarily disabled by their vehicles being towed off too quickly, etc. at an unknown cost to the operator. Vote was 12-0. Rep. K. Michael Tavitian for Transportation.

SB 27, providing for an antique motorcycle. Ought to Pass.
This bill, as amended in the Senate, increases the registration cost to \$2.40 to be divisible by 12 and the Committee was amenable to the intent of the legislation. Vote was 12-0. Rep. K. Michael Tavitian for Transportation.

COMMITTEE REPORTS (Regular Calendar)

HB 130, relative to investment laws for savings banks. Ought to Pass with Amendment. This bill revises the investment law for New Hampshire savings banks by consolidating several sections into two main categories: public obligations and corporate securities. The criteria for legal investments have been simplified and are now based on ratings by national rating services. These changes allow a more flexible, safe investment policy for New Hampshire banks. The amendment clarifies the definition section and the criteria for common stock of corporate securities. Unanimous vote. Rep. Elizabeth L. Crory for Commerce and Consumer Affairs.

Amendment

Amend RSA 387:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

387:1 Definition of Terms. Terms used in this chapter shall be given the following meanings unless such meaning is clearly inconsistent with the manifest intention of the legislature or a different meaning is clearly apparent from the context:

I. Annual Interest: Interest annually paid in each year, except that for the latest year it shall mean one year's interest on the amount outstanding at the time of the investment. In the case of a company formed by the consolidation of two or more existing companies, the annual interest for the years preceding such consolidation shall be the combined annual interest of the consolidated companies.

II. Bond: A note issued under indenture or deed of trust.

III. Capital Debenture: Debenture issued by any bank under RSA 384:14-a or held under RSA 387:13, I and II.

IV. Capital Funds: The total of capital debentures, if any, capital stock, if any, surplus, undivided profits, unallocated reserves, guaranty fund, and guaranty fund surplus.

V. Company: A corporation and its consolidated subsidiary companies, if any, or a voluntary association organized under the laws of the United States or any state thereof and located and doing business principally within the United States.

VI. Corporate Securities: Bonds, notes, and other obligations, preferred and common stocks of publicly held corporations, except government corporations, existing under the laws of the United States or any state thereof.

VII. Federal Funds: Funds which a savings bank has on deposit at a depository which are exchangeable for funds on deposit at a federal reserve bank. The term "business day" when used in connection with advances of federal funds by a savings bank shall mean any day on which the savings bank, the depository and the federal reserve bank where the funds are on deposit, are all open for general business.

VIII. Municipality: A county, city, town, village district, school district, precinct, or other municipal corporation.

IX. Net Income: Income after deducting operating expenses, taxes, insurance, rentals, guaranteed interest, guaranteed dividends and charges for depreciation, depletion and obsolescence. In the case of a company formed by the consolidation of two or more existing companies, the net income for the years preceding such consolidation shall be the combined net income of the consolidated companies.

X. Note: A written, unconditional promise of an individual, partnership, corporation, or voluntary association, signed by the maker, to pay to order or to bearer, a specified sum of money on demand or at a fixed determinable future time.

XI. Obligations: Bonds and notes issued or assumed by a corporation and unconditionally guaranteed as to the payment of principal and interest by the corporation.

XII. Originating Lender: Any savings bank, building and loan association, cooperative bank, federal savings and loan association, banking and trust company, national bank, or insurance company or fraternal benefit society or federally chartered mutual savings bank which holds the original executed note of the borrower and issues participation certificates to participating lenders under the provisions of RSA 387:17.

XIII. Participating Lender: Any savings bank, building and loan association, co-operative bank, federal savings and loan association, banking and trust company, national bank or insurance company, fraternal benefit society, or federally chartered mutual savings bank participating in or holding a part interest in a legal investment as defined in RSA 387:4, I, II, III, IV, and VI, and in RSA 387:5.

XIV. Participating Loan: Any loan made by each of several savings banks, building and loan associations, co-operative banks, federal savings and loan association, banking and trust companies, national banks or insurance companies, fraternal benefit societies, or federally chartered mutual savings bank participating severally with an originating lender in, and having a part interest in, a legal investment as described in RSA 387:4, I, II, III, IV, and VI, and in RSA 387:5.

XV. Public Obligations: Bonds, notes, and other obligations of federal, state and local governmental units of the United States and Canada.

XVI. Rating Service: The authorized investment rating services are Moody's Investors Service, Inc., Standard and Poor's Corporation, or Fitch Investors Services.

XVII. Total Capital: The sum of (1) the aggregate principal amount of the outstanding funded debt, (2) the aggregate amount of par or stated capital represented by all outstanding preferred and common stock including premiums, if any, on such preferred and common stock and (3) surplus accounts.

XVIII. Unit Investment Trust: A fund created pursuant to a trust agreement which is registered as a unit investment trust under the Investment Company Act of 1940.

XIX. Years: Calendar years, fiscal years or nearer periods of 12 months next preceding such investment.

Amend RSA 387:6, III, b as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

(b) Obligations secured by the revenues of any authorities, commissions, districts or similar divisions of state or municipal government are rated amount the first 4 ratings of one or more rating service as defined in RSA 387:1, XVI.

Amend RSA 387:6, IV as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

IV. Other Public Obligations. The authorized bonds and notes of any other state, commonwealth or territory of the United States or any municipality therein or authorities, commissions, districts or similar divisions of state or municipal government therein, provided:

(a) The direct obligations of any state, commonwealth or territory of the United States or any municipality located therein are backed by the issuer's ability to levy taxes for repayment of principal and interest and are rated among the first 3 ratings of one or more rating services as defined in RSA 387:1, XVI.

(b) Obligations secured by the revenue of any authorities, commissions, districts or similar divisions of state or municipal government are rated among the first 2 ratings of one or more rating service as defined in RSA 387:1, XVI.

Amend RSA 387:6, V as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

V. Canada. The authorized bonds and notes issued or guaranteed by the government of Canada, any province, municipality or regional municipality located therein, provided all such bonds or notes are rated among the 3 highest ratings of one or more rating service as defined in RSA 387:1, XVI and are repayable as to principal and interest in United States currency within this country.

Amend RSA 387:6-a as inserted by section 5 of the bill by striking out same and inserting in place thereof the following: 387:6-a Corporate Securities. The following described securities are legal investments:

I. Bonds and Notes. All obligations issued, assumed, or guaranteed by companies incorporated in the United States of America. All such obligations shall be rated among the 3 highest ratings of one or

more rating service as defined in RSA 387:1, XVI. Convertible bonds of a lesser rating will be legal if the common stock would otherwise qualify.

II. PREFERRED STOCK. The dividend paying preferred stock of companies incorporated in the United States, provided that all publicly held senior securities not convertible into common stock are legal. Preferred stock if publicly held shall be rated among the 3 highest ratings of one or more rating services as defined in RSA 387:1, XVI. Convertible preferred stock of a lesser rating will be legal if the common stock would otherwise qualify.

III. COMMON STOCK. The common stock or senior securities convertible into common stock of companies incorporated in the United States of America provided:

(a) The stock is listed on the New York Stock Exchange or The American Stock Exchange and is rated at B or better by one of the rating services defined in RSA 387:1, XVI or is listed in Over the Counter Market Issues quoted through the National Association of Security Dealer Automated Quotation System and are qualified for the Federal Reserve Board Margin List.

(b) At the time of purchase, any common stock investment under this section when added to the book value of all other common stock securities presently owned of the same company shall not exceed 7 percent of a bank's capital funds, except for stock holdings in the Federal Home Loan Bank.

IV. NEW HAMPSHIRE COMPANIES SECURITIES.

(a) BONDS AND NOTES. The bonds and notes issued, assumed or guaranteed by any company organized under the laws of this state or carrying on its principal manufacturing within this state, provided:

(1) Such company shall have, at the date of investment, a net worth of at least one million dollars; and

(2) In at least 4 of the 5 years next preceding the date of investment, the net income available for interest plus the federal income tax of such company shall have been not less than twice the interest on its obligations.

(b) CAPITAL STOCK. The dividend-paying capital stock of any company organized under the laws of this state or carrying on its principal manufacturing within this state, provided:

(1) All securities, if any, senior to such stock are legal investments hereunder, and such company shall at the date of such investment a net worth of at least one million dollars.

(2) In at least 4 of the 5 years next preceding the date of investment, such company shall have earned net income available for dividends on the entire outstanding issue of the stock in question of not less than 4 percent on the par or stated value of such stock.

(3) No bank shall hold more than 5 percent of the outstanding stock of any such company.

Amend RSA 387:13, II, a as inserted by section 12 of the bill by striking out same and inserting in place thereof the following:

(a) The securities of any banking or trust company, or the special deposits of any guaranty savings bank incorporated under

the laws of this state and doing business herein, and the capital notes and the capital stock of any federally chartered bank in this state; but the amount of such notes or stock or special deposits held by any savings bank as an investment and as collateral for loans shall not exceed 1/4 of the total capital notes and capital stock of such banking or trust company or guaranty savings bank or federally chartered bank, except if held on or before November 1, 1979.

Amend RSA 387:16, II as inserted by section 16 of the bill by striking out same and inserting in place thereof the following:

II. TEMPORARY INVESTMENTS OF EXCFSS FUNDS. Advances of federal funds from one business day to the next, to banks which also qualify as cash depositories under RSA 387:22, provided that total advances of federal funds under this paragraph and RSA 387:2 shall not exceed 10 percent of the savings bank's deposits, and the total of such advances by a savings bank to any one bank shall not exceed 5 percent of the latter's capital funds.

Amend RSA 387:18 as inserted by section 17 of the bill by striking out same and inserting in place thereof the following:

387:18 Prudent Investments. Not exceeding 7-1/2 percent of the time and savings deposits of a savings bank or banking and trust company may be invested, subject to the limitations expressed in RSA 387:3, in securities which are not authorized investments under RSA 387:6 through RSA 387:16 but which are prudent investments for such a bank to make, provided: (a) the bank making such investment shall have capital funds equal to at least 5 percent of its deposits; and (b) the securities being purchased under the authorization of this section do not, when added to all other securities then owned by the bank, the purchase of which would not then be authorized by the other sections of this chapter, exceed 7-1/2 percent of its deposits.

Amend RSA 387:25 as inserted by section 18 of the bill by striking out same and inserting in place thereof the following:

387:25 List of Legal Investments. Within the first 10 days of November of each year the commissioner shall publish the criteria for bonds, preferred stocks, and common stocks under sections RSA 387:6 through RSA 387:16 of this chapter and may publish and prepare a list of all common stocks and certain other securities which by his determination are then legal investments. The commissioner shall each month issue supplements noting any changes in the investment list which have taken place since the prior full list was published. Said list shall at all times be open to public inspection and a copy thereof shall be sent to every savings bank, cooperative bank and trust company. In the preparation of any list which the commissioner is required to furnish, he may employ such expert assistance as he deems proper or may rely upon information contained in publications which he deems authoritative in reference to such matters; and he shall be in no way held responsible for the omission from such list of any securities which conform to the provisions

of this section, nor for the inclusion therein of any securities which do not so conform.

Amend RSA 387:27 as inserted by section 19 of the bill by striking out same and inserting in place thereof the following:

387:27 Retention of Securities. Any security which at the time of its purchase constitutes a legal investment under the laws and conditions then existing may be retained under RSA 387:18 notwithstanding the fact that because of conditions arising subsequent to the purchase of such security, its purchase or holding might not then be legal. Any security held which becomes nonlegal because of changes in the law relating to legal investments may be retained outside of RSA 387:18 upon application to the bank commissioner for approval to retain the security. If approval is denied the security may be retained under RSA 387:18.

Amendment adopted.

Reps. Crory and Quimby explained the committee report.

Ordered to third reading.

HB 151, relative to security deposits for residential customers of public utilities. Ought to Pass.

This bill establishes standards for utility companies when requiring security deposits of customers. A proven history of bad credit with a utility company will be the main criteria for requiring a security deposit except for seasonal customers. Vote was 14-0. Rep. Elizabeth L. Crory for Commerce and Consumer Affairs.

Rep. Crory spoke to the committee report.

Rep. Quimby moved that HB 151 be laid upon the table.

Motion adopted.

Constitutional Amendment Concurrent Resolution No. 8, relating to when proposed constitutional amendments can be placed on the ballot. Providing that all proposed amendments shall only be placed on the ballot of the next biennial November election. Ought to Pass.

Records show small numbers of voters on constitutional questions at primary elections. In the 1976 primary only 14 per cent of registered voters was enough to defeat any proposed amendment. All of the five questions were badly defeated. Our research shows no other state using primary for referendum and no other state putting any question on any ballot after the next election following approval by ConCon or Legislature. Vote was 11-1. Rep. Joseph M. Eaton for Constitutional Revision.

Rep. Joseph Eaton explained the committee report.

Reps. French, Chase and Bosse spoke in favor of the committee report.

On a division vote, 323 members having voted in the affirmative and 9 in the negative, CACR 8 was ordered to third

reading by the constitutional requirement of three-fifths.

Rep. Coutermarsh notified the Clerk that he wished to be recorded in favor of CACR 8.

SUSPENSION OF RULES

Rep. French moved that the rules be so far suspended as to place CACR 8 on third reading and final passage at the present time.

Rep. Chambers spoke in favor of the motion.

Adopted by the necessary two-thirds.

Question being shall CACR 8 be read a third time and passed.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 332 NAYS 3

YEAS 332

BELKNAP: Birch, Bordeaux, Bowler, Gary Dionne, French, Michael Hanson, Hildreth, Lawton, Mansfield, Matheson, Morin, Nighswander, Randall and Sanders.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson, Heath, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Baybutt, Crane, Jesse Davis, Daniel Eaton, Eisengrein, Ernst, Gordon, Kohl, Ladd, Lynch, Matson, Miller, Moore, Nims, Poanessa, Proctor, William Riley, Scranton, Vrakatisis and Jean White.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Chappell, Fortier, Guay, Bradley Haynes, Horton, Hunt, Mayhew, Oleson, Richardson, Theriault, Alcide Valliere, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Christy, Crory, Dearborn, Foster, Michael King, LaMott, Logan, Low, Lownes, Mann, McAvoy, Pepitone, Rounds, Seely, Snell, Taffe, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Archambault, Arris, Aubut, Baker, Bosse, Brack, Burkush, Carswell, Yvette Chagnon, Compagna, Corey, Corser, Joseph Cote, Coutermarsh, Craig, Crotty, Catherine-Ann Day, Dolbec, Donovan, Drewniak, Beverly Dupont, Clyde Eaton, Joseph Eaton, Peter Flynn, Gabrielle Gagnon, Nancy Gagnon, Celinas, Granger, Sal Grasso, Guidi, Hall, Head, Heald, Healy, Hendrick, Howard Humphrey, Jamrog, Kaklamanos, Karnis, Keefe, Labombarde, Lamy, Lefebvre, Levesque, Madigan, Martineau, Mazur, McCarthy, McLaughlin, Milton Meyers, Morrison, Mulligan, Fred Murray, Nardi, Naro, Nemzoff-Berman, Odell, Pappas, Aime Paradis, Peter Parady, Pelletier, Perkins, Peters, Plomaritis, Podles, Polak, Proulx, David Ramsay, Peter Ramsey, Record, Reidy, Richards, Roy, Sallada, Silva, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Steiner, James Sullivan, Rock Tremblay, Vachon, Van Loan, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and Zajdel.

MERRIMACK: Bellerose, Bibbo, Blakeney, Body, Laurent Boucher, Carroll, John Cate, Milton Cate, Clements, Colby, Daniell, Epstein, Hill, Holliday, James Humphrey, Locke, McLane, Mitchell, Nichols, O'Neill, Paire, Randlett, Doris Riley, William Roberts, Selway, Shepard, Gerald Smith, Stio, Stockman, Stokes, Trachy, Rick Trombly, Underwood, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Bisbee, Blake, William Boucher, Butler, Cahill, Marilyn Campbell, Carpenito, Collins, Connors, Patricia Cote, Robert Day, Dunfer, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Griffin, Hartford, Jackson, Jones, Kane, Kashulines, Keenan, Roger King, Kozacka, Krasker, Landry, Lavcock, Leslie, LoFranco, Lovejoy, Joseph MacDonald, McEachern, Norman Myers, Nelson, Newell, Newman, Pantelakos, Parolise, Parr, Pevear, Pucci, Quimby, Reese, Rogers, Scamman, Schmidtchen, Schwaner, Skinner, Freda Smith, Splaine, Stickney, Stimmell, Sutek, Tavitian, Tufts, Vartanian, Vlask, Warburton, Helen Wilson, Wojnowski, Wolfson and Woodman.

STRAFFORD: Burchell, Canney, Ronald Chagnon, Demers, DeNafio, Donnelly, Drew, Farnham, Gauvin, Gosselin, Charles Grassie, Dianne Herchek, James Herchek, Joos, Lessard, Maglaras, McManus, Meader, Morrisette, Nadeau, Pray, Preston, Dennis Ramsey, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Vallev, Vaughan, Whitehead and Winkley.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, Cutting, Domini, Sim Gray, LeBrun, Lucas, Palmer, Spaulding, Townsend, Tucker and Williamson.

NAYS 3

BELKNAP: None.

CARROLL: Towle.

CHESHIRE: None.

COOS: None.

GRAFTON: None.

HILLSBOROUGH: Francis Sullivan.

MERRIMACK: None.

ROCKINGHAM: Ellyson.

STRAFFORD: None.

SULLIVAN: None, and CACR was read a third time and passed by the constitutional requirement of three-fifths.

Third reading and final passage

CACR 8, relating to when proposed constitutional amendments can be placed on the ballot. Providing that all proposed amendments shall only be placed on the ballot of the next biennial November election.

Constitutional Amendment Concurrent Resolution No. 9, relating to voting procedures on Constitutional Convention sponsored amendments. Providing that the Convention, by a three-fifths majority vote of the entire membership, may propose constitutional amendments. Ought to Pass.

In New Hampshire and other states popular vote of 66 2/3 per cent is required in referendum. By requiring only a majority of delegates present, the ConCon presents many question not likely to get 66 2/3 per cent vote. The Legislative 60 per cent rule produces a smaller number of more acceptable resolutions. If the ConCon production continues recent increase it would approve more questions in a few weeks than the General Court production for 10 years. This amendment would put Legislature and ConCon on a fair, equal, and sensible basis. Vote was 11-1. Rep. Joseph M. Eaton for Constitutional Revision.

Rep. Joseph Eaton explained the committee report.

Reps. French and Hildreth spoke in favor of the committee report.

Rep. Wallin spoke against the committee report and yielded to questions.

Reps. Sackett, Bosse and Coutermarsh spoke in favor of the committee report.

On a division vote, 316 members having voted in the affirmative and 19 in the negative, CACR 9 was ordered to third reading by the constitutional requirement of three-fifths.

SUSPENSION OF RULES

Reps. French and Spiro moved that the rules be so far suspended to place CACR 9 on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Question being shall CACR 9 be read a third time and passed.

319 members having voted in the affirmative and 20 in the negative, CACR 9 was read a third time and passed by the constitutional requirement of three-fifths.

Third reading and final passage

CACR 9, relating to voting procedures on Constitutional Convention sponsored amendments. Providing that the Convention, by a three-fifths majority vote of the entire membership, may propose constitutional amendments.

INTRODUCTION OF GUESTS

The Speaker introduced the Honorable John B. Connally and his wife, Nellie, of Texas.

Former Governor Connally addressed the House briefly.

COMMITTEE REPORTS (cont.)

HB 185, concerning waivers from participation in the school lunch program. Ought to Pass with Amendment.

HB 185 allows the State Board of Education to grant school districts waivers from participation in the school lunch program. Under current law such waivers would not continue after September 1983. Vote was 15-0. Rep. Betty Jo Taffe for Education.

Amendment

Amend RSA 189:11-a, II (b), as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(b) Requests for such waiver may be granted by the state board upon the receipt of such application and shall remain in force until the state board determines otherwise, as hereinafter provided.

Amendment adopted.

Ordered to third reading.

HB 374, increasing the appropriation for school building aid for fiscal year 1979. Ought to Pass.

HB 374 provides a supplementary appropriation for school building aid to cover unanticipated bond issues approved for fiscal 1979. Vote was 15-0. Rep. Betty Jo Taffe for Education.

Referred to Appropriations.

HR 230, relative to exempting certain facilities from nursing home licensing requirements. Ought to Pass with Amendment. This bill provides for the exemption from licensing of facilities which are maintained and operated for the continuing care of one person; for the sole benefit of persons related to the owner or manager by blood or marriage; for facilities maintained and operated by any church or religious denomination solely for the ordained clergy or members of religious orders; and of facilities which may be exempted by rules lawfully promulgated under the provisions of the bill. Vote was 19-0. Rep. Joseph A. MacDonald for Health and Welfare.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Requirement for License. Amend RSA 151:2 (supp) as amended by inserting in line 18 after the word "consanguinity;" the following (of facilities maintained and operated by any church or religious denomination solely for those ordained clergy, members of religious orders or their bona fide guests who are provided care without charge provided such facility was fully operational on or before January 1, 1979;) so that said section as amended shall read as follows:

151:2 Requirement for License. No hospital or other institution, building, residence, private home, or other place or part thereof, however named, whether operated for profit or not, which is advertised, offered, maintained or operated

by the ownership or management, whether for a consideration or not, for the express or implied purpose of providing diagnosis or treatment, or medical, nursing, obstetrical or other remedial or personal care or supervision or sheltered services for persons who are suffering from illness injury, deformity, infirmity or other physical or mental handicap shall be established, conducted or maintained in this state without first obtaining a license therefor in the manner hereinafter provided. This requirement includes diagnostic or treatment facilities such as community health centers, outpatient clinics and laboratories operated by public, voluntary, commercial or professional associations or organizations. However, nothing herein shall be construed as requiring the licensing of facilities which are maintained and operated for the continuing care of one person; of facilities maintained and operated for the sole benefit of persons related to the owner or manager by blood or marriage within the third degree of consanguinity; of facilities maintained and operated by any church or religious denomination solely for those ordained clergy, members of religious orders or their bona fide guests who are provided care without charge provided such facility was fully operational on or before January 1, 1979; of physicians' offices and related facilities; of shared homes for adults which are certified by the director of the division of welfare; of offices and related facilities of other persons licensed in this state to practice a health care profession; or of facilities which may be exempted by rules lawfully promulgated hereunder.

Amendment adopted.

Ordered to third reading.

HB 163, relative to interest charges on unpaid public utility bills. Ought to Pass with Amendment.

The intent of this bill is to provide uniformity in billing procedures of the affected utilities for the benefit of consumers. Vote unanimous. Rep. Richard D. Hill for Commerce and Consumer Affairs.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Interest After 30 days. Amend RSA 378 by inserting after section 9 the following new section:

378:9-a Interest on Unpaid Bills. No public utility shall charge a customer, except a wholesale customer, interest on an unpaid utility bill or unpaid balance thereof until 30 days have expired from the date of billing. The date of billing shall be the date on which the invoice is prepared for mailing. The public utility shall print on the bill the date on which the payment is due.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 247, increasing the zoning powers of cities and towns. Inexpedient to Legislate. This bill will be addressed in a more complete form under future legislation. Vote was 16-1. Rep. George Maglaras for Municipal and County Government.

Rep. Beverly Gage yielded to questions. Resolution adopted.

HB 305, increasing the fee for initial number plates from \$5 to \$10. Inexpedient to Legislate.

The Committee felt the present fee of \$5 is sufficient to support the present driver education program in our schools. Also, the Committee wanted to recognize that the added expense of another \$5 to many senior citizens (who have had vanity plates in their families for years) was not justified. Vote was 12-0. Rep. K. Michael Tavitian for Transportation.

Rep. James J. White spoke to the committee report.

Rep. Tavitian moved that HB 305 be recommitted to the Committee on Transportation.

Adopted.

Recommitted to the Committee on Transportation.

VACATE

Rep. French moved that the House vacate the reference of HB 54, to permit physicians' assistants to prescribe certain medications, to the Committee on Health and Welfare.

On a voice vote the Speaker was in doubt and requested a division.

157 members having voted in the affirmative and 118 in the negative, HB 54 was vacated.

Rep. Joseph Eaton wished to be recorded in favor.

HB 54, to permit physicians' assistants to prescribe certain medications.

Rep. Spaulding moved that HB 54 be reported Ought to Pass, and offered an amendment.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Prescription of Medication by Physicians' Assistants. Amend RSA 329:21 by inserting after paragraph XIII the following new paragraph:

XIV. Physician assistants as approved and certified by the board of registration in medicine pursuant to paragraph XII may prescribe certain medications as approved by such board.

The Clerk read the amendment.

Rep. Spaulding spoke to her amendment yielded to questions and yielded to Rep. Epstein who explained the amendment.

Rep. Dearhorn spoke against the amendment and yielded to questions.

Rep. Epstein spoke in favor of the amendment and yielded to questions.

Rep. Daniell spoke in favor of the amendment.

Rep. Craig spoke against the amendment.

On a voice vote, the Speaker was in doubt and requested a division.

172 members having voted in the affirmative and 143 in the negative, the amendment was adopted.

Rep. Spaulding moved that HB 54 as amended be ordered to third reading.

Rep. Craig moved that HB 54 be Indefinitely Postponed.

Reps. Spaulding, French and Peterson spoke against the motion.

Reps. Howard, James J. White and Dearborn spoke in favor of the motion.

Rep. Griffin spoke in favor of the motion and yielded to questions.

Rep. Epstein spoke against the motion and yielded to questions.

Reps. LaMott, Lemire and D'Amante moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 177 NAYS 157

YEAS 177

BELKNAP: Birch, Bowler, Lawton, Mansfield, Nighswander and Randall.

CARROLL: Roderick Allen, Chase, Dickinson, Howard, Keller and Kenneth Smith.

CHESHIRE: Callahan, Crane, Daniel Eaton, Eisengrein, Ladd, Matson, Miller, Moore, Nims, Poanessa and William Rilev.

COOS: Elmer Beaulac, Chappell, Fortier, Horton, Hunt, George Lemire, Mayhew, Theriault, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Christv, Clark, Dearborn, Foster, LaMott, Logan, Low, McAvov, Pepitone, Snell and Walter.

HILLSBOROUGH: Ainley, Archambault, Aubut, Baker, Carswell, Yvette Chagnon, Corev, Craig, Drewniak, Beverly Dupont, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Sal Grasso, Guidi, Heald, Healy, Howard Humphrey, Karnis, Labomharde, Lamv, Levesque, Mazur, McCarthy, McLaughlin, Morrison, Fred Murray, Naro, Odell, Aime Paradis, Pelletier, Perkins, Podles, Proulx, David Ramsay, Peter Ramsey, Record, Reidv, Roy, Sallada, Soucy, Stahl, James Sullivan, Vachon, Van Loan, Eliot Ware, Weaver, Welch, Emma Wheeler, James J. White, Cecelia Winn and Zajdel.

MERRIMACK: Bibbo, John Cate, Milton Cate, Clements, Colby, Hill, Mitchell, Packard, Randlett, Doris Riley, William Roberts, Shepard, Gerald Smith, Stio, Stokes, Rick Trombly, Underwood, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Benton, Blake,

Butler, Carpenito, Connors, Patricia Cote, Roy Davis, Robert Day, Ellvson, Flanagan, Beverly Cage, Gould, Greene, Griffin, Hartford, Jackson, Roger King, Krasker, Landrv, LoFranco, Loveiov, McEachern, Nelson, Newell, Pantelakos, Parolise, Parr, Pucci, Schmidtchen, Skinner, Freda Smith, Splaine, Stimmell, Tavitian, Tufts, Vlack, Warburton, Helen Wilson, Wolfsen and Woodman.

STRAFFORD: Ronald Chagnon, Farnham, Gauvin, Meader, Nadeau, Prav, Preston, Tripp, Vaughan and Whitehead.

SULLIVAN: Brodeur, D'Amante, Sim Grav, LeBrun, Palmer and Williamson.

NAYS 157

BELKNAP: Bordeau, Gary Dionne, French, Michael Hanson, Hildreth, Matheson, Morin and Sanders.

CARROLL: Desiardins, Heath, Kenneth MacDonald and Towle.

CHESHIRE: Baybutt, Jesse Davis, Ernst, Gordon, Johnson, Kohl, Lynch, Proctor, Scranton, Vrakatisis and Jean White.

COOS: Rouchard, Brungot, Burns, Guav, Bradlev Havnes, Oleson, Alcide Valliere and Willey.

GRAFTON: Chambers, Crorv, Michael King, Lownes, Rounds, Seely, Taffe, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Arris, Bosse, Burkush, Compagna, Corser, Joseph Cote, Coutermarsh, Catherine-Ann Dav, L. Pennv Dion, Donovan, Joseph Eaton, Peter Flvnn, Hall, Head, Hendrick, Jamrog, Kaklamanos, Keefe, Lefebvre, Armand Lemire, Madigan, Milton Meyers, Mulligan, Nardi, Nemzoff-Berman, Pappas, Peter Paradv, Peters, Plomaritis, Polak, Richards, Silva, Edward Smith, Leonard Smith, Spirov, Steiner, Francis Sullivan, Rock Tremblev, Wallin, Kenneth Wheeler and Robert Wheeler.

MERRIMACK: Allgever, Bellerose, Blakenev, Bodi, Laurent Boucher, Carroll, Daniell, Epstein, Holliday, Kidder, Locke, McLane, Nichols, O'Neill, Paire, Selwav, Stockman and Trachv.

ROCKINGHAM: Appel, Bisbee, Blanchette, William Boucher, Cahill, Marilyn Campbell, Collins, Dunfey, Felch, Joseph Flvnn, Carl Gage, Gibbons, Jones, Kane, Kashulines, Keenan, Kozacka, Lavcock, Leslie, Joseph MacDonald, Norman Mvers, Newman, Peterson, Pevear, Ouimhy, Reese, Rogers, Schwaner, Stickney, Sutek, Vartanian and Wojnowski.

STRAFFORD: Burchell, DeNafio, Donnelly, Drew, Charles Grassie, Dianne Perchek, Joos, Lessard, Maglaras, McManus, Morrisette, Dennis Ramsev, Robinson, Sackett, Schreiber, Donald Smith and Valley.

SULLIVAN: Edmund Belak, David Campbell, Cutting, Domini, Lucas, Spaulding, Townsend and Tucker, and HB 54 was Indefinitely Postponed.

VACATE

Rep. Rosse moved that the House vacate the reference of HB 585, relative to the real estate foreclosure law, to the Committee on Judiciary.

Adopted.

The Speaker referred HB 585 to the Committee on Commerce and Consumer Affairs.

SIX-DAY EXTENSIONS GRANTED

HB 235, relative to rational development of new institutional health services. (Health and Welfare)

HB 240, relative to the licensing laws for hospitals and other facilities. (Health and Welfare)

HB 171, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 20 years. (Regulated Revenues)

HB 245, relative to commissions on pari-mutuel wagering pools, and taxes thereon. (Regulated Revenues)

HB 68, establishing a Legislative committee to study the feasibility of the State preserving farm land by the purchase of land, development rights or easements and making lands so preserved available for agriculture purposes by lease back or renting to bona fide farm operators. (Environment and Agriculture)

HB 274, providing an omnibus bill for revisions to the statutes pertaining to transportation, motor vehicles and boating laws as requested by the department of safety, including establishing a medical advisory board within the division of motor vehicles and making an appropriation therefor. (Transportation)

HB 216, creating the criminal offense of evading pursuit by a law enforcement officer. (Judiciary)

HB 237, relative to the reporting of adult abuse. (Judiciary)

HB 256, requiring a mandatory sentence of ten days for a conviction of operating a motor vehicle under the influence of intoxicating liquor or any controlled drug. (Judiciary)

HB 91, restricting the disposal of high or low level nuclear wastes in the state and within the coastal jurisdiction of the state. (Science and Technology)

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Thursday, March 22 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 190, relative to the penalty for the illegal taking of wild turkey.

HB 180, to provide for the protection of native wildlife species facing possible extinction.

HB 223, relative to public charges at publicly assisted housing for the elderly.

HB 163, relative to interest charges on unpaid public utility bills.

SB 20, relative to the charter of the Frisbie Memorial Hospital.

SB 27, providing for an antique motorcycle.

HB 130, relative to investment laws for savings banks.

HB 185, concerning waivers from participation in the school lunch program.

HB 230, relative to exempting certain facilities from nursing home licensing requirements.

Rep. French moved that the House stand in recess from time to time for the sole purpose of introducing bills and enrolling reports and when the House adjourns, it be to meet Thursday, March 22 at 1:00 p.m.

RECESS

(Rep. French in the chair)

Rep. Gosselin offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 600 and 617 through 659 and HRI 2010 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS AND HRI

First, second reading and referral

HB 600, relative to obtaining a peddler's license. (Collins of Rockingham Dist. 5; Morgan of Hillsborough Dist. 3; Burns of Coos Dist. 4; Logan of Grafton Dist. 14; Hynes of Hillsborough Dist. 25; Gelinas of Hillsborough Dist. 31; Plourde of Merrimack Dist. 7; Baker of Hillsborough Dist. 14; Crory of Grafton Dist. 13; Pucci of Rockingham Dist. 5; Plomaritis of Hillsborough Dist. 15 - To Statutory Revision)

HB 617, relative to site plan review by planning boards. (Wight of Hillsborough Dist. 10 - To Municipal and County Government)

HB 618, regulating places where massages are given and their employees. (Collins of Rockingham Dist. 5; Pappas of Hillsborough Dist. 18; Dunfey of Rockingham Dist. 12 - To Executive Departments and Administration)

HB 619, imposing a mandatory minimum sentence for conviction of operating under the influence of intoxicating liquor or controlled drug with another's death resulting. (Brack of Hillsborough Dist. 28; Taffe of Grafton Dist. 5 - To Judiciary)

HB 620, relative to bank closings. (Gould of Rockingham Dist. 4 - To Commerce and Consumer Affairs)

HB 621, relative to the payment mechanism by which the state assists local school districts to pay for the costs of special education. (Brack of Hillsborough Dist. 28; Taffe of Grafton Dist. 5 - To Education)

HB 622, relative to combining the functions of the state racing and state greyhound commissions into a single commission. (White of Hillsborough Dist. 27; Brack of Hillsborough Dist. 28 - To Regulated Revenues)

HB 623, relative to ending New Hampshire's participation in the council of state governments. (Cote of Hillsborough Dist. 28 - To State-Federal Relations)

HB 624, relative to mandatory installation of fire or smoke detectors in structures for occupation built after 1970. (Bodi of Merrimack Dist. 7; Kaklamanos of Hillsborough Dist. 21; Pappas of Hillsborough Dist. 18; O'Neill of Merrimack Dist. 17 - To Public Protection and Veterans' Affairs)

HB 625, providing for the election of members to the county convention as a separate county office. (Bosse of Hillsborough Dist. 1 - To Constitutional Revision)

HB 626, relative to public ethics and making an appropriation therefor. (Bosse of Hillsborough Dist. 1 - To Legislative Administration)

HB 627, prohibiting state payment for out-of-state travel by legislators. (Cote of Hillsborough Dist. 28 - To Appropriations)

HB 628, relative to class actions under the consumer protection law. (Bodi of Merrimack Dist. 7; Pappas of Hillsborough Dist. 18 - To Constitutional Revision)

HB 629, relative to property tax exemptions for woodheating energy systems. (Belak of Sullivan Dist. 2 - To Science and Technology)

HB 630, establishing an approved absence program in houses of correction. (Carroll of Merrimack Dist. 19 - To Public Protection and Veterans' Affairs)

HB 631, placing the Sullivan county jail under the jurisdiction of the county sheriff. (Wiggins of Sullivan Dist. 8 - To Municipal and County Government)

HB 632, relative to the packaging of ice cream. (Bodi of Merrimack Dist. 7 - To Environment and Agriculture)

HB 633, relative to the superintendents of Laconia state school and New Hampshire hospital. (Laycock of Rockingham Dist. 5; Dion of Hillsborough Dist. 21; Nardi of Hillsborough Dist. 27; Howard of Carroll Dist. 1; Carroll of Merrimack Dist. 19 - To State Institutions)

HB 634, relative to unit directors at the New Hampshire hospital. (Blanchette of Rockingham Dist. 14 - To State Institutions)

HB 635, relative to the mileage allowance for county business. (Pucci of Rockingham Dist. 5; Blanchette of Rockingham Dist. 14; Gage of Rockingham Dist. 5 - To Legislative Administration)

HB 636, relative to placement of persons in need of supervision in group homes. (Morrisette of Strafford Dist. 7 - To State Institutions)

HB 637, requiring posters listing the 200 most commonly prescribed drugs. (Cote of Hillsborough Dist. 28 - To Commerce and Consumer Affairs)

HB 638, amending the definition of "emotionally handicapped" in RSA 186-A. (Taffe of Grafton Dist. 5 - To Education)

HB 639, relative to making certain community garden land applicable to current use taxation and amending the definition of farm land. (Blakeney of Merrimack Dist. 17 - To Environment and Agriculture)

HB 640, relative to establishment of a board of professional counselor licensure. (Brack of Hillsborough Dist. 28 - Executive Departments and Administration)

HB 641, relative to the violation of any statute by any governmental board, agency or commission. (Cote of Hillsborough Dist. 28 - To Judiciary)

HB 642, requiring public utilities to maintain for public inspection a list of certain stockholders who are public officials. (E. Smith of Hillsborough Dist. 34; L. Smith of Hillsborough Dist. 14 - To Statutory Revision)

HB 643, relative to public recreation and parks. (Corser of Hillsborough Dist. 2; Brungot of Coos Dist. 8; Dickinson of Carroll Dist. 2; Humphrey of Hillsborough Dist. 1 - To Resources, Recreation and Development)

HB 644, providing for a refund on unused motor vehicle plates. (Packard of Merrimack Dist. 4 - To Transportation)

HB 645, permitting wiretapping with one party consent in certain limited cases. (Chase of Carroll Dist. 4; Eaton of Cheshire Dist. 11 - To Judiciary)

HB 646, relative to the New Hampshire state prison participating in the national interstate corrections compact. (Granger of Hillsborough Dist. 13 - To State-Federal Relations)

HB 647, revising the method of submitting motor vehicle title applications. (Chase of Carroll Dist. 4; Eaton of Cheshire Dist. 11 - To Transportation)

HB 648, establishing a manufactured housing advisory board. (Mann of Grafton Dist. 6 - To Statutory Revision)

HB 649, relative to legislative administration. (Roberts of Belknap Dist. 4 - To Legislative Administration)

HB 650, making certain gambling offenses a felony. (Roberts of Belknap Dist. 4 - To Judiciary)

HB 651, establishing the northeast regional energy board. (Roberts of Belknap Dist. 4 - To State-Federal Relations)

HB 652, relative to the number of challenges of jurors in murder trials. (Bosse of Hillsborough Dist. 1; Eaton of Cheshire Dist. 11 - To Judiciary)

HB 653, relative to prepayment of resident taxes. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 654, relative to notice of tax sales. (Packard of Merrimack Dist. 4 - To Statutory Revision)

HB 655, relative to the computation of tax due on tax bills. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 656, relative to administrative fees for deeds and redemptions after tax sales. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 657, relative to inventory blanks. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 658, concerning the state college and university system. (Robinson of Strafford)

Dist. 4; French of Belknap Dist. 1; Spirou of Hillsborough Dist. 27; Myers of Rockingham Dist. 16; Sackett of Strafford Dist. 4; Ramsay of Cheshire Dist. 5 - To Education)

HB 659, relative to the control of junkyards on the interstate and federal-aid primary highway systems. (Keller of Carroll Dist. 5 - To Transportation)

HBI 2010, relating to the spare tires on some new cars sold in New Hampshire. (Dunfee of Rockingham Dist. 12 - To Transportation)

Rep. Gosselin moved that the House adjourn.

Adopted.

HOUSE JOURNAL 17

Thursday 22Mar79

The House met at 1:00 p.m.

Prayer was offered by the House
Chaplain, Rev. William L. Quirk.

Let us pray:

Almighty Father, Your love never fails
for all of us. Hear our call and keep us
from all danger. In Your kindness, we ask
that You provide for all our needs.

Send us Your spirit to guide us and
teach us Your truth. Make all our actions
begin from You and lead to a happy
conclusion in Your peace. Amen.

Rep. Rogers led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Russell, Lyons, Hoar, Fisher,
Cotton, Hebert, John Winn, Emile Boisvert,
Thibeault, Gary Dionne, McCarthy and Betty
Hall, the day, illness.

Reps. Beard, Stylianos, Raymond Dupont,
Pine, Wiggins, Copenhaver, Sabbath, Pastor,
Close, Blanchette, Labombarde, Robinson,
Richards, Rice, Stahl, Edward Smith,
Krasker, McManus, Nemzoff-Berman, Joseph
Flynn, Lucas and Dolbec, the day, important
business.

Rep. Wilfrid Boisvert, the day, death in
the family.

Rep. Cecelia Winn, the day, illness in
the family.

INTRODUCTION OF GUESTS

Jonathan Pamsav, son of Rep. Margaret
Pamsav; Representative and Mrs. Robert
Carrier of Westbrook, Maine and Doris
Langenau, guests of Rep. George Poherts;
Pittsfield Elementary School Grade IV
students and their teacher, Mrs. Wallace;
members of the League of Women Voters from
different communities in the state, guests
of the House; Bob Weversburg, student of the
German Saturday School of Manchester, guest
of Rep. Carl Gage.

COMMITTEE APPOINTMENTS

Neil McIver, Special Committee on
State-Mandated Programs.

William Roberts, Commerce and Consumer
Affairs.

SENATE MESSAGES CONCURRENCE

HCR 5, inviting Chief Justice Edward J.
Lampron to address a joint convention of the
general court on the state of the judiciary.

HB 220, relative to bonds required on
contracts involving public works.

HB 221, relative to contracts by the
department of public works and highways.

HB 8, repealing the statute which
established an advisory committee to study
the salaries of state officials and

employees.

HR 77, relative to the payment of
salaries for county elected officials.

NONCONCURRENCE

HB 38, relative to rights of way.

Reps. French and Spirou moved that the
House meet in Joint Convention with the
Honorable Senate at 1:30 p.m. for the
purpose of hearing Chief Justice Lampron's
address on the state of the judiciary.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the Consent
Calendar, with the relevant committee
amendments, be adopted as printed in today's
House Record.

Adopted.

HB 3, relative to the Connecticut River
Atlantic Salmon Compact. Ought to Pass.

Unanimous vote of Committee. This bill
allows New Hampshire to join the New
England Regional Compact prompting the
return of Atlantic salmon to the
Connecticut River fisheries. Rep. John
B. Tucker for Appropriations.

HB 106, providing for the acquisition of
a certain dam and water rights by the fish
and game department. Ought to Pass with
Amendment.

Unanimous vote of Committee. This
allows the Fish and Game Department to
acquire and renovate a dam which exists
and will assist in the department
program increasing the smelt fisheries.
Rep. John B. Tucker for Appropriations.

Amendment

Amend section 2 of the bill by striking
out same and inserting in place thereof the
following:

2 Appropriations. There is hereby
appropriated the sum of \$15,000 for the
biennium ending June 30, 1981, for the
purpose of section 1 of this act. The funds
appropriated are from the following sources:

Federal funds	\$11,250
State funds	3,750
	<u>\$15,000</u>

The state appropriation shall be a
charge against the fish and game fund.

3 Effective Date. This act shall take
effect July 1, 1979.

HB 110, making a supplemental
appropriation to the operating budget of the
department of agriculture for in-state
travel expenses by heavy test truck
inspectors and for market bulletin
publishing costs. Inexpedient to Legislate.

Subject matter covered by HB 189.
Unanimous vote of Committee. Rep. John
B. Tucker for Appropriations.

HB 179, making a supplemental
appropriation to the youth development
center. Inexpedient to Legislate.

Unanimous vote of Committee. Subject

matter covered in HR 189. Rep. John B. Tucker for Appropriations.

HR 321, allowing the postsecondary education commission to set a reasonable fee for certain transcripts. Ought to Pass with Amendment.

Unanimous vote of Committee. Costs for transcripts have remained constant for the past several years. This nominal increase reflects the commission's needs to cover inflation. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 292:8-kk as inserted by section 1 of the bill by striking out same and inserting in place thereof the following: 292:8-kk Reports Required. When any institution of higher learning ceases the regular conduct of instruction, either temporarily or permanently, whether or not the corporation is dissolved, the academic record, or a legible, certified copy thereof, of each student who has been registered for instruction at the institution shall be forwarded to the postsecondary education commission together with an explanation of the institution's credit and grading system. The postsecondary education commission shall preserve these records and upon request of the individual concerned, shall furnish a certified copy, or reasonable number of such copies, of the individual's record. The fee for each record so furnished to be paid to the commission shall be \$2 per copy of a student transcript. Said fees shall be credited to the appropriation for the commission.

HB 437, repealing the reflectorized license plate appropriation and authorization. Inexpedient to Legislate.

Unanimous vote of Committee. Since the appropriation in the last budget for reflectorized license plates has already been spent, the Committee felt that this bill was inappropriate at this time. However, the Committee feels that substantial policy issues concerning reflectorized plates need to be studied prior to a new issuance of plates. Study of these policy questions is beyond the jurisdiction of the Appropriations Committee. Therefore, the Committee recommends that the sponsor file a House Bill of Intent to be referred to the appropriate policy committee for study. Rep. John B. Tucker for Appropriations.

HR 456, to provide a supplementary appropriation to the board of registration for land surveyors. Inexpedient to Legislate.

Unanimous vote of Committee. Subject matter covered in HR 189. Rep. John B. Tucker for Appropriations.

HR 397, providing a probation officer for the Salem district court and making an appropriation therefor. Inexpedient to Legislate.

All the sponsors of HR 397 requested that it be withdrawn. The Committee

voted 16 - 0 on the motion of Inexpedient to Legislate. Rep. Delight H. Reese for Judiciary.

SB 43, adopting a New Hampshire - Massachusetts interstate sewage and waste disposal facilities compact. Ought to Pass.

This bill will allow overcrowded residential areas (such as Salem, New Hampshire) to join together with towns or cities in Massachusetts in a cooperative basis for disposal sewage. The vote was unanimous. Rep. Marshall French for State-Federal Relations.

COMMITTEE REPORTS (Regular Calendar)

HR 189, making a supplemental appropriation to the operating budget of the state prison for emergency funding for the remainder of fiscal year 1979 and for compliance with the Jaamen v. Helgemoe consent decree. Ought to Pass with Amendment.

Unanimous vote of Committee. A supplemental budget to take care of critical financial needs for the balance of this biennium, which ends June 30, 1979, as reviewed and unanimously adopted by the Appropriations Committee:

State Prison	\$191,910
Youth Development Center	142,971
Agriculture	21,900
Council on Aging	1,444
Labor	3,200
Accountancy	8,123
Aeronautics Commission-No amount specified	
Sunset Committee	50,000
Sweepstakes Commission	15,000
Land Surveyors	925
Cancer Commission	20,000
Welfare	10,340
Revenue Administration	22,500

Total (excluding Aeronautics) \$488,313

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT
making certain supplemental appropriations to various agencies and relative to expenditures and duties of the sunset committee.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Supplemental Appropriation. In addition to any other sums appropriated to the state prison, the sum of \$191,910 is hereby appropriated to the state prison for fiscal year 1979 to be expended as follows and shall not be transferred or expended for any other purpose.

Administration:	
20 Current expenses	\$ 3,655
90 Laamen suit expenditure	38,000
Custodial care:	
20 Current expenses	21,055
50 Other personal services	34,750
Operation of Plant and Maintenance:	

20	Current expenses	10,000
50	Other personal services	3,300
	Prison industries:	
21	Materials for manufacture	25,000
23	Utilities and supplies	17,000
	Treatment:	
20	Current expenses	16,550
50	Other personal services	5,600
93	Outside medical services	22,000
	Total	\$191,910

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

2 Supplemental Appropriation. In addition to any other sums appropriated, the sum of \$142,971 is hereby appropriated for fiscal year 1979 to the New Hampshire youth development center to be expended as follows and shall not be transferred or expended for any other purpose.

	Administration:	
59	Full time temporary	\$ 400
60	Benefits	25
	Custodial care:	
20	Current expenses	2,000
50	Other personal services	1,500
60	Benefits	92
	Operation and maintenance:	
70	Current expenses	8,000
95	Boiler repairs	3,000
	Professional care and treatment:	
	Rehabilitative programs:	
20	Current expenses	9,975
50	Other personal services	66,000
59	Full time temporary	2,000
60	Benefits	4,168
95	Medical services	25,000
	Residential centers:	
50	Other personal services	1,500
59	Full time temporary	15,000
60	Benefits	1,011
	Parole:	
70	In-state travel	3,300
	Total \$	142,971

The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Supplemental Appropriation. In addition to any other sums appropriated to the department of agriculture, the sum of \$21,900 is hereby appropriated to the department of agriculture for fiscal year 1979 to be expended as follows and shall not be transferred or expended for any other purpose.

	Bureau of weights and measures:	
20	Current expenses	\$ 4,000
70	In-state travel	3,000
	Bureau of markets:	
20	Current expenses	14,000
	Division of animal industries:	
20	Current expenses	900
	Total	\$21,900

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Supplemental Appropriation. In addition to any other sums appropriated to the New Hampshire state council on aging, the sum of \$1,444 is hereby appropriated to the New Hampshire state council on aging for fiscal year 1979 to be expended as follows and shall not be transferred or expended for any other purpose.

Council on aging administration and

support:

20	Current expenses	\$ 1,444
	Total	\$ 1,444

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Supplemental Appropriation. In addition to any other sums appropriated to the department of labor, the sum of \$3,200 is hereby appropriated to the department of labor for fiscal year 1979 to be expended as follows and shall not be transferred or expended for any other purpose.

Inspection division:

70	In-state travel	\$ 3,200
	Total	\$3,200

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

6 Supplemental Appropriation. In addition to any other sums appropriated to the board of accountancy, the sum of \$8,123 is hereby appropriated to the board of accountancy for fiscal year 1979 to be expended as follows and shall not be transferred or expended for any other purpose.

Accountancy, board of:

20	Current expenses	\$ 2,275
30	Equipment	1,050
50	Other personal services	1,700
60	Benefits	130
90	Uniform CPA exam	2,968
	Total	\$ 8,123

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

7 Expenditure of Excess Aeronautics Commission Funds. In addition to any other sums appropriated to the aeronautics commission, 25 percent of the commission's income derived from aircraft operating fees in excess of \$85,000 for the registration year ending March 31, 1979 is hereby appropriated to the commission for fiscal year 1979 to be expended by airport sponsors in accordance with RSA 422:42 and shall not be transferred or expended for any other purpose.

8 Assistants to Sunset Committee.

Amend RSA 17-F by inserting after section 5 the following new section:

17-F:6 Assistants. The committee shall appoint and fix the compensation of such assistants as it needs to carry out its responsibilities and compensate them out of funds appropriated to the committee or out of funds appropriated to the general court as joint expenses. The committee is authorized to make such other expenditures as are necessary to carry out its duties under RSA 17-F and RSA 17-G.

9 Definition Added. Amend RSA 17-G:2 by inserting after paragraph II the following new paragraph:

III. "Sunset Committee" means the joint legislative committee on review of agencies and programs established pursuant to RSA 17-F.

Duties of Sunset Committee; Renewal Procedure. Amend RSA 17-G:8, II (supp) as inserted by 1977, 436:1 by striking out in lines 2, 5 and 6 of the introductory part of said paragraph the words "legislative budget assistant" and inserting in place thereof

the following (sunset committee) so that said introductory part shall read as follows:

II. Not later than the third legislative day of each regular biennial legislative session, the sunset committee shall submit to the relevant committees of the house and senate, as determined by RSA 17-G:6, a report for each program appropriation unit scheduled for review during that year. In preparing said report the sunset committee shall work in consultation with the relevant house and senate committees. Said report shall include but not be limited to the following:

10 Standing Committee Action. Amend RSA 17-G:8, III (supp) as inserted by 1977, 436:1 by striking out in line one the words "legislative budget assistant's" and inserting in place thereof the following (sunset committee's) so that said paragraph as amended shall read as follows:

III. Upon receipt of the sunset committee's report, the standing committee of the house to which it was referred shall hold a public hearing no later than the twelfth legislative day, at which the agency shall have the burden of demonstrating a public need for its continued existence. Not later than 14 calendar days after said hearing the committee shall report to the house its recommendations as to the agency. Such report shall include an identification of other government programs having the same or similar objectives, and the recommendation of the committee with respect to the elimination or consolidation of such programs. Whenever a committee identifies such duplication of programs but recommends renewal of the agency under review, the report shall state specifically the justification for such action. If the committee recommends renewal of the agency it shall do so in the form of a bill which shall extend the life of the agency for 6 years, commencing with the next termination date.

11 Sunset Procedure; Public Hearings. Amend RSA 17-G:8, IV (supp) as inserted by 1977, 436:1 by striking out in line 3 the words "legislative budget assistant" and inserting in place thereof the following (sunset committee) so that said paragraph as amended shall read as follows:

IV. After house action on any bill resulting from the committee report outlined in paragraph III of this section, the respective senate committee shall consider the reports of the sunset committee and the house committee, and shall hold a public hearing not later than the thirtieth legislative day. Said committee shall report its recommendations as to the agency not later than 14 calendar days after the public hearing. The report of the senate committee shall meet the same guidelines as set forth for the report of the house committee in paragraph III of this section. If the house has passed a bill renewing the agency, the senate committee shall report that bill to the full senate together with its report, whether or not the senate committee recommends renewal of the agency.

12 Appropriation for Sunset Committee. The sum of \$50,000 is hereby appropriated to the joint legislative committee on review of agencies and programs for the fiscal year ending June 30, 1979 for the purposes of

section 8 of this act. The sum hereby appropriated is continuing and shall not lapse. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

13 Supplemental Appropriation. In addition to any other sums appropriated to the sweepstakes commission from the sweepstakes fund, the sum of \$15,000 is hereby appropriated to the sweepstakes commission for fiscal year 1979 to be expended as follows and shall not be transferred or expended for any other purpose.

Sweepstakes commission:	
50 Other personal services	\$15,000
Total	\$15,000

14 Supplemental Appropriation. In addition to any other sums appropriated to the board of registration for land surveyors, the sum of \$925 is hereby appropriated to the board of registration for land surveyors for fiscal year 1979 for the purpose of joining the National Council of Engineering Examiners and to purchase the National Council of Engineering Examiners' testing service and shall not be transferred or expended for any other purpose.

Board of Registration for land surveyors:

20 Current expenses	\$ 925
Total	\$ 925

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

15 Supplemental Appropriation. In addition to any other sums appropriated to the cancer commission, the sum of \$20,000 is hereby appropriated to the cancer commission for fiscal year 1979 to be expended for hospitalization of medically indigent cancer patients and shall not be transferred or expended for any other purpose.

Cancer commission:	
20 Current expenses	\$20,000
Total	\$20,000

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

16 Supplemental Appropriation. In addition to any other sums appropriated to the division of welfare, the sum of \$10,340 is hereby appropriated to the division of welfare for fiscal year 1979 to be expended as follows and shall not be transferred or expended for any other purpose.

Division of welfare administration and support business management:

95 Federal disaster assistance program	\$10,340
Total	\$10,340

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

17 Supplemental Appropriation. In addition to any other sums appropriated to the department of revenue administration, the sum of \$22,500 is hereby appropriated to the department of revenue administration for fiscal year 1979 to be expended as follows and shall not be transferred or expended for any other purpose.

Administration:	
92 Carpet and paint interior	
61 South Spring Street	\$22,500
Total	\$22,500

The governor is authorized to draw his

warrant for said sums out of any money in the treasury not otherwise appropriated.

18 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 379, deleting references to handicapped in RSA 198:20-a. Inexpedient to Legislate.

The Committee felt that this legislation did not address any specific need at this time. Vote was 9-6. Rep. Victor J. Joos for Education.

Resolution adopted.

HB 384, requiring a school census biennially. Ought to Pass.

The bill changes the school census from an annual to a biennial event starting in 1979. School districts that now take the school census every year may continue to do so. Vote was 14 - 0. Rep. Elaine S. Krasker for Education.

Ordered to third reading.

HB 264, relative to the creation of valid contracts between husband and wife. Ought to Pass with Amendment.

This bill allows lawful interspousal contracts during, or in contemplation of marriage. Vote was 14 - 0. Rep. Mark H. Stokes for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the creation of valid contracts between a husband and wife and between a man and woman in contemplation of marriage.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Interspousal Agreements. Amend RSA 460 by inserting after section 2 the following new section:

460:2-a Antenuptial and Interspousal Agreements. A husband and wife during marriage or a man and woman in contemplation of marriage may enter into a written interspousal contract. No contract may contain any term which attempts to abrogate the statutory or common law rights of minor children of the marriage.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 10, extending the capital appropriation for the Haves building and increasing the authorization for certain

capital projects for the department of safety. (Public Works)

ENROLLED BILLS AMENDMENT

HB 96, amending the charter provisions of the Littleton water and light department and providing for local referendum.

Amendment

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

lines 11-13 the words "not more than two of the said commissioners to be of the

This amendment corrects a citation error in the amending language of section 1 of the bill.

Adopted.

VACATES

Rep. Heald moved that the House vacate the reference of HB 475, relative to surface mining and reclamation of mined lands, to the Committee on Resources, Recreation and Development.

Adopted.

The Speaker referred HB 475 to the Committee on Environment and Agriculture.

Rep. Mann moved that the House vacate the reference of HB 581, relative to salaries of district court justices, to the Committee on Municipal and County Government.

Adopted.

The Speaker referred HB 581 to the Committee on Judiciary.

Rep. French moved that no LSR filed as of this date for introduction of a House Bill, House Bill of Intent, House Joint Resolution or House Concurrent Resolution will be drafted unless all information required to permit it to be drafted is received by the Office of Legislative Services on or before March 26 at 5:00 p.m., spoke to his motion and yielded to questions.

Reps. Newman and Johnson spoke against the motion.

On a voice vote, the Speaker was in doubt and requested a division.

141 members having voted in the affirmative and 133 in the negative, the motion was adopted.

JOINT CONVENTION (Speaker presiding)

INTRODUCTION OF GUESTS

Honorable William A. Grimes, Senior Associate Justice, N.H. Supreme Court, guest of Rep. Leigh D. Rosse, Chairman, House Judiciary Committee; Honorable Maurice P. Bois, Associate Justice, N.H. Supreme Court, guest of Sen. Norman F. Champagne, Chairman, Senate Judiciary Committee; Honorable Charles C. Douglas, III, Associate Justice, N.H. Supreme Court, guest of Rep. Louis D. Record, Jr., Vice Chairman, House Judiciary Committee; Honorable David A. Brock, Associate Justice, N.H. Supreme Court, guest of Sen. James A. Saggiotes, Vice

Chairman, Senate Judiciary Committee; Honorable Edward J. Lampron, Chief Justice, N.H. Supreme Court, guest of Senate President, Robert B. Monier and House Speaker, George B. Roberts, Jr.

The Speaker introduced the Honorable Edward J. Lampron, Chief Justice of the New Hampshire Supreme Court, who reported to the House on the state of the Judiciary:

Mr. Speaker, Mr. President, Honorable members of the Senate and House of Representatives:

At each regular session of the Legislature the statutes provide that the chief justice of the Supreme Court shall report to you on matters relating to the administration of justice in our State.

Ever since this procedure was established in 1971, retired Chief Justice Frank R. Kenison has had the privilege of making to you every two years this report of The State Of The Judiciary.

Paraphrasing an old Indian prayer, it is said that you cannot judge a man until you have walked a mile in his moccasins. Since June of last year, I have been called to try to fill Frank Kenison's moccasins, and I can tell you they are very large moccasins.

To give you an idea of how this man is viewed by some of our nation's leading law professors and their students, let me quote briefly from an issue of the Boston University Law Review dedicated to him some years ago:

"To those of us who devote our lives to the service of legal education and the improvement of the legal system, Frank R. Kenison, by his life, his career, and his support and encouragement stands as a symbol of the fulfillment of our objectives."

I also subscribe to what one of our colleagues said of him: "Frank Kenison was a unifying force in conference, a sound adviser in public affairs, and a jovial companion at social occasions." What better barometer of the measure of a man?

Needless to say, many of the aims and accomplishments of the judicial system are due, in large measure, to his leadership.

I want to acknowledge also the help of my associates on the court, Justices Grimes, Bois, Douglas and Brock and our Clerk, George S. Pappagianis.

On July 30, 1977, the Supreme Court created the Committee on Judicial Conduct to investigate allegations of misconduct on the part of any judge, master or referee; to impose sanctions; and, when appropriate, to initiate suspension proceedings in the Supreme Court. It is important to point out that this committee is concerned with conduct that may be contrary to the Code of Judicial Conduct. The committee does not consider complaints relating to rulings or decisions which are corrected by appeal in the regular process.

The Committee on Judicial Conduct is composed of three judges, two lawyers, and two laypersons, a man and a woman. This month the committee has just issued its first annual report entitled, "Accountability 1978." Funding for this Committee is recommended.

The Judiciary is also of the belief that the right to practice law in New Hampshire is predicated upon the assumption that the holder is fit to be entrusted with professional matters and to aid in the administration of justice as an attorney and as an officer of the court. It is the duty of every recipient of that right to conduct himself or herself at all times in conformity with the standards imposed upon members of the bar as conditions for the right to practice law.

The Committee on Professional Conduct is under the supervision of the Supreme Court. It consists of 15 members, two of whom are laypersons, a man and a woman, and now has a full-time director.

The Supreme Court welcomes any comments or suggestions that you may have concerning the activities of these committees.

We are proud of the fact that New Hampshire was among the first states to have laypersons on these committees.

After eighteen months of hard work by many persons, the National Center for State Courts completed early in 1977 a survey of our court system and developed standards and goals for it. A Judicial Planning Committee was established by the Supreme Court as a vehicle to develop and implement programs to achieve the standards and goals established by that survey.

Since its creation, the Committee has developed and implemented programs in a wide range of areas. Experimental programs have been initiated in Grafton County to see if the criminal justice system can be improved by the use of part-time prosecutors and part-time defenders at the District Court level to reduce the flow of cases to the Superior Court.

The Committee also initiated, with the cooperation of the Superior Court, an arbitration program in Merrimack County that resulted in a settlement of 49 per cent of the cases assigned to that list. It was through the kindness of the Legislature that a temporary courtroom was established in the Legislative Office Building for this program. For that, we are very grateful.

A Juvenile Advocate Program was developed to assist in the processing of juvenile cases in Merrimack County, and a Citizen Dispute Mediation Program will begin in April in Concord District Court.

Continuing judicial educational programs have been expanded. Training sessions have been held for juvenile court judges, superior court judges and clerks, district court judges and clerks, bailiffs and marital masters. These fourteen educational seminars and courses have all been held in the State and have led to improved ways of doing the work of the courts.

The Superior Court is being assisted in a Records Revision Program, and within the next year a central court archive center will be created. Also, an experiment will be made with the use of microfiche and word-processing computers to increase the efficiency of the courts and decrease the use of space and paper, thereby relieving some of the pressure on county budgets.

The Judicial Planning Committee is a component of the Supreme Court's budget. The Supreme Court urges that you approve

funding for the Judicial Planning Committee as requested in that budget.

House Bill 387 proposes to establish by statute the New Hampshire Crime Commission and the Judicial Planning Committee. The Crime Commission has been and is the primary funding source of the Judicial Planning Committee and of court improvement projects. The Supreme Court urges that you establish by statute both the New Hampshire Crime Commission and the Judicial Planning Committee.

The voters of our State in November 1978 approved an amendment to Part Second Article 73 of our Constitution to provide that the Chief Justice of the Supreme Court shall be the administrative head of all the courts and shall, with the concurrence of the majority of the Supreme Court Justices, make rules governing the procedures in all courts in the State. This delineation of authority will permit the judiciary as a whole to review its practices and lead to meaningful reforms in the judicial system.

One reform in which your help is needed is the passage of legislation to enable the court to submit its budget directly to you, the Legislature, as the funding source. Two versions of this needed legislation are Senate Bill 70 and House Bill 388. The Judiciary pledges its cooperation in reaching a consensus with the Legislature on the exact wording of the legislation to insure that your branch and ours properly perform our constitutional functions.

As Governor Gallen said in his inaugural address:

"In our government of checks and balances, the budgetary checks should be a direct relationship between the Legislature and the Court.

The Judiciary wishes to thank the Legislature again for the October "Court Day at the Legislature". It provided all of us with an excellent opportunity to meet as partners in the processes of government and to expand our understanding of how our system works so as to ensure goodwill and cooperation as we discharge our respective duties in the interest and for the benefit of the people.

As part of our aim to expand the public's understanding of the judicial system, we presented you with our first report to the Legislature at the Legislative Day. Other publications include "The Supreme Court", "The Court System Generally", "The Probate Court", and a "Layman's Guide to the New Hampshire Court System."

We have also issued a text to be used in the school systems across our state to explain the state's constitutional framework and the respective duties and functions of the three branches. This publication was a joint effort between members of your body, the State Board of Education, the Secretary of State and the Bar. Special commendation should go to Representative Joseph M. Eaton, Sr. who wrote the foreword to this 200-page teaching guide and whose interest in and respect for the New Hampshire Constitution is well known to all of you.

Our budget includes a request for funds to enable us to continue to provide the general public, as well as Legislators, with

reprints of these publications to better explain the judicial system which processes over 200,000 cases a year in this State.

With regard to the Superior Court, I commend the Justices for their diligence in amending its rules to meet changing conditions. We are particularly appreciative for their helpful cooperation in the amendments to our appellate rules.

At the District and Municipal Court levels, we are blessed with a very active and reform-minded administrative committee with a full-time staff capability that we recommend for funding in the operating budget. One reform made by that committee is to develop a uniform accounting system for the 57 district and municipal Courts in this State and a uniform procedure for purchasing complaint forms and other court documents. In the first year alone, this has saved the tax payers \$30,000 by not having each court purchase from its own local printer, but rather by having all courts join in and use a centralized, state-wide competitive bid procedure.

In looking to the future, I harken back to the words delivered here two years ago by my predecessor:

"The machinery of justice is operated, not by the computer in a vacuum, but by and for people living in an ever-changing, ever-challenging environment. Thus, it is necessary for the caretakers of justice to maintain and to occasionally update the machinery in order to ensure its continuing response to the needs of the people."

Coming before you will be a bill to create a joint committee of legislators, judges, court officers, and laymen to review the structure and administration of our court system, not to create a study to be placed on a shelf, but to produce a report and a bill for your consideration in the next regular session to further implement systematic reform and improvement in the judicial branch. When introduced, we would recommend this legislation for your favorable consideration. It has the full support of the Supreme and Superior Courts, as well as the New Hampshire Bar Association.

Finally, with regard to the future of the Courts, in terms of bricks and mortar, the Supreme Court has requested approximately \$250,000 in the capital budget for an addition to our building on Concord Heights. Because the staff of the Court has grown since our building was approved in the 1967 capital budget, space limitations have become increasingly acute and, therefore, in planning for the future, additional space for the Court is necessary.

In conclusion, the judiciary of this State pledges that it will continue to maintain what has proved to be, and still is, sound and that it will not hesitate to discard practices unsuited to modern experience which no longer adequately serve the interests of justice.

I thank you for taking time from your busy schedule to give me this opportunity to report on the state of the judiciary. I am certain we shall continue our joint efforts to better serve all the citizens of this State.

Rep. Mann moved that the Joint Convention arise.

Adopted.

RECESS

His Excellency, The Governor, Hugh J. Gallen addressed the Joint Convention:

Mr. Speaker, Mr. President, Honorable Members of the General Court: Thank you very much for allowing me to speak to you today. I made the request because it concerns a topic which I know you all have an interest in -- the Seabrook power plant.

I believe that many of you, like me, share the desire to see the plant built without more construction shutdowns or needless regulatory delays, and that is the goal I wish to share with you today.

Before I go any further, however, I would like to review the events of the recent past.

Shortly after my election last November, I met with representatives of Public Service Company to discuss the Seabrook plant.

As I said publicly before and after the meeting, my two chief concerns were that Seabrook Station be completed and that Construction Work in Progress charges be eliminated from the backs of the ratepayers of our state.

I also said that, while I was willing to cooperate with the company on trying to find other financing measures, the answer for Seabrook lies in the company's management and financial community, not the state government.

You will recall that the company postponed the sale of common stock, because of the election, and that a construction shutdown was imminent because of the severe financial distress of Public Service.

My office began immediately to assure the financial community -- the bankers and investors -- that while I opposed CWIP, I was not against nuclear power in general nor the Seabrook plant in particular. Those efforts helped free the flow of short-term funds, and allowed financing and construction to continue.

Also at that time, Public Service had suggested a state guarantee of construction bonds, but because this would change the state's bond rating for its own construction projects, that "state solution" was overwhelmingly rejected by state leaders.

By the same token, another alternative was eventually ruled out -- setting up a state-owned utility to purchase the shares in Seabrook which Public Service Company could not afford. While this idea is technically feasible, I doubt that many of you -- or the people who elected you -- would favor putting the State of New Hampshire into the utility business.

The idea also would not have the backing of the company or its bankers, and, as I said, the state government could not impose a "solution" upon those businesses in a project that was as far along as Seabrook without their total backing.

Representatives from my office and the company continued discussions during December and January, and explored other alternatives of financing, searching for

something that would be acceptable to all sides -- bankers, the company, its partners in Seabrook, and the public.

"Lease-back" contracts were discussed, in which Public Service Company's partners would give additional help during the construction phase, have the use of the extra power during the initial years of the plant's life when Public Service Company would not need the power, and then return it to the company later on.

A mechanism called "Construction Trust Bonds" -- in which the debt of construction is carried by a separate construction trust instead of the company, thus technically lowering the company's debts -- was pursued, until the federal government changed its accounting guidelines for such devices, making it not practical.

An idea called "Project Financing" was presented in December to the company and members of my office. This would set up a state financing agency to act as a pass-through of long-term bonds. Because of various reasons -- the specific financial status of Public Service, questions about timing, and a disinterest by the company, among others -- this proposal was also initially set aside. I will return to this idea later in my address, however.

Eventually, the consensus of this group working on the issue was that, if Public Service were to keep its 50 per cent share in Seabrook, CWIP would have to be retained. This was because of the company's relatively small size compared to such a massive undertaking, because of the tremendous financial difficulties the company had been experiencing, and because of the inability to find another mechanism which would be acceptable for the company, its partners and its financiers.

This was in mid-January when the group reported that by alterations in CWIP, the company probably could retain its portion of the plant.

This option, as I have said, however, is something I oppose personally. And the people of New Hampshire and a great number of their representatives oppose it regardless of my personal opinion.

I reject the theory of CWIP and I reject the specific financial burden CWIP places on the ratepayers of New Hampshire in the case of Seabrook.

I reject it in theory because it forces current consumers to pay financing charges for electricity they are not receiving at the time and may never receive in the future.

I reject it in theory because it compresses financial charges into a smaller time frame, and because it forces a smaller number of consumers to pay for power that later will be spread over a greater number of consumers.

And I reject it in theory because it forces ratepayers to assume the financial risk that properly belongs to the investor and bond purchaser.

In the specific case of Seabrook, if CWIP were allowed to continue and Public Service were allowed to carry out its plans for repeated CWIP increases, the total CWIP bill would have amounted to at least \$190 million before Seabrook is completed -- and that is a conservative estimate.

This is something that should not be forgotten about the CWIP issue. Public Service Company's plans for using CWIP to help finance its 50 per cent shares of Seabrook did not stop at the nine per cent CWIP increase imposed last year.

This increase -- amounting to about \$17 million a year for ratepayers -- was bad enough for consumers by itself. But the company planned to come in for another CWIP increase, and then another, and then another -- and each increase would be added onto the increase before it.

CWIP would mount and mount -- on top of the regular rate base and the fuel adjustment charges -- and all the while, the consumers who were paying it would not be receiving a single watt of electricity for their payments.

The proposal to alter the CWIP structure by imposing it on commercial, industrial and institutional ratepayers but not residential customers did not really change the picture that much.

First of all, the theory was the same and unacceptable for the same reasons.

Second, the number of CWIP increases would have to be accelerated and spread over an even smaller number of ratepayers. Many small businessmen, institutions and industrialists who are against CWIP would have to pay these mounting charges, and in many instances consumers and taxpayers would end up paying them through higher prices or higher property taxes.

So, as I said, CWIP is not an acceptable method of financing this or any other plant. It is unfair to consumers and, if allowed to run its course of more and more increases, would place a crushing burden on them financially.

I was opposed to it last year; I was opposed to it after my election; I opposed it in January; and I continue to oppose it.

My main concerns have always been that construction of the Seabrook plant continue and that CWIP be eliminated.

Beyond that, I have and remain willing to assist Public Service Company to keep whatever portion of the plant the free-enterprise market determines the company can afford.

As you all know, the commercial bankers for Public Service Company have determined that the company must divest itself of 22 per cent of the plant for them to continue short-term financing, and Public Service Company is proceeding with that program.

Public Service officials have told me that any interference with this program -- in other words, any attempt by the state government to impose some other "solution" -- would not only seriously jeopardize the continued construction of the Seabrook plant, but also the financial stability of the company itself.

They have asked that my office, the legislature, and the business community not only refrain from actively impeding its 22 per cent sale, but that, for the sake of seeing construction continue smoothly toward the timely completion of this plant which New England needs, that we support the plan.

I have offered my assistance in again assuring the financial community that the people of New Hampshire support the plant's

construction, and I ask your assistance and that of the business community in the state as well.

A construction shutdown would not only further endanger the company's ability and that of other New Hampshire utilities to keep their portions, it could throw the fate of the plant into question. I am sure that you, as well as I, do not wish to see that happen.

Let me now make several proposals to you.

The first involves legislation which I think should be passed as quickly as possible. This involves one of the alternatives presented to the company last year and which was studied with renewed intensity lately -- project financing.

Under this proposal, the State of New Hampshire would set up an Energy Financing Commission to help provide long-term funds for generating plants.

This would function much as the Housing Finance Agency now operates.

Let me emphasize that this would not involve the credit rating of the State of New Hampshire, nor would it entail a state-owned utility.

The Energy Financing Commission would have the power to issue revenue bonds for electrical power projects, just as the Housing Finance Agency issues revenue bonds -- without any kind of state commitment or state guarantees.

The bonds would be issued and secured on the strength of contracts with the individual utilities to purchase the power from the individual projects.

All the interest accrued during construction would be funded from bond proceeds -- in other words, consumers would not have to help pre-finance the plant, as they do under CWIP.

It should be pointed out that the utilities would be the operators of the projects, not the state. This would keep state government out of the utility business.

Another advantage of project financing is that it would not involve equity financing. The financing would be through pure debt, meaning that the finance charges would be at the lower bond interest rates, rather than the higher rates of common or preferred stock.

If this were applied to 25 per cent of the Seabrook plant, for instance, it would result in an estimated \$40 million a year in pre-tax savings.

The Energy Financing Commission could also issue separate bonds, secured by separate contracts with municipal utilities at tax-exempt rates, thus lowering the financing charges even more in those instances.

You are probably wondering why this isn't being put in place for the 22 per cent of Seabrook which Public Service is in the process of selling.

We can pass the legislation and make the financing available, but we cannot force the company or its banks to take advantage of it.

However, it is my belief -- and it is shared by many members of the state's industrial and business community -- that such a commission is worth enacting.

Public Service Company has said that it plans to offer up to eight per cent of its

share in Seabrook to the smaller New Hampshire utilities, and if this legislation is drafted and enacted, it could become a vehicle to help them buy as much as they can afford.

Its enactment would also place on our books a way for future energy projects -- of whatever kind and by whatever utility -- to be financed, without CWIP and at a substantially lower cost than through traditional financing.

I have asked the business community to join with me in pursuing this legislation, with the goal of getting it ready and passed soon enough to be of possible assistance to the other New Hampshire utilities which may want to buy some of the Seabrook plant.

I am asking your support as well.

My second proposal is for a thorough, independent study of the future electrical needs of the people of New Hampshire. This is crucial for several reasons.

First, an integral part of the project financing concept is to have an independent feasibility study to demonstrate that the specific project will produce economically competitive power and that the anticipated demand will be sufficient to provide the revenues to cover the bonds.

A statewide study would lay the groundwork for future projects, and the individual plans could proceed more quickly by building on the initial study.

Second, such a study is needed because those of Public Service Company have been called into question. The company's own forecasts show that in 1974, it predicted a need for 2,794 megawatts in 1983, when the first unit of Seabrook goes on line. Those have continually been revised downward, until its latest estimates call for a need of 1,611 megawatts in 1983.

That 1,110-megawatt drop in forecasts has not been accompanied by any scaling down of the company's plans for Seabrook.

Even now, the company's estimates of growth in peak demand are considered too high by many people. It recently estimated that its peak demand -- and peak demand should not be confused with growth of sales -- would grow at 6.5 per cent into the 1980s.

However, that kind of growth simply hasn't been seen since the Arab oil embargo. For instance, the company predicted in 1977 that its peak demand for 1978 would be 1,287 megawatts. In reality, the peak was 1,178 -- which occurred during the coldest February on record for New Hampshire.

The danger of overbuilding capacity has become increasingly recognized, as public utility commissions in New England have forced various utilities to scale down their building plans.

Once too much capacity is built into a rate base, the consumer must pay for that capacity, whether it is standing idle or being sold to other regions. In either respect, the consumer is paying for electricity he or she is not receiving.

I am also urging Public Service Company, as it negotiates the terms of its sale, to give the most serious consideration to seeking purchase options in future plants which its Seabrook partners are planning.

The acquisition of such options could

help insure that future New Hampshire demand for electricity will be met by low-cost nuclear generation.

Furthermore, it would spread out Public Service's nuclear capacity over more than one plant.

We have just witnessed the potential cost of a utility placing all of its nuclear eggs in one basket. When the Nuclear Regulatory Commission recently ordered several plants to shut down, the customers of the companies were faced with paying the tremendous capital costs of the nuclear investment -- because these costs are permanently fixed on the rate base -- and the additional fuel costs resulting from the greater reliance on fossil fuel plants.

Dispersal of a utility's nuclear commitment can help to avoid this costly problem.

My third proposal for you today is to eliminate CWIP once and for all.

It has been voted down by the House twice and by the Senate once. For nearly a year now, it has been surviving only on the strength of the previous governor's veto.

Public Service and its banks say the company does not need CWIP to continue with a 23 per cent share of Seabrook. The company says it opposes the elimination of CWIP only because of future generating projects it may want to build.

I say, let's get this behind us once and for all.

Let's eliminate CWIP -- not only for the sake of current consumers, but for the sake of the future, so that CWIP cannot tempt utilities to try to impose it ever again.

Public Service says CWIP is dead as far as Seabrook is concerned. I say, let's make CWIP dead as far as any plant is concerned.

I appreciate your patience in listening to this lengthy address, but there was much that needed to be covered in it.

The task before us is to cooperate on achieving the goal we all have shared -- the completion of the Seabrook plant.

We also need to work together on the project financing legislation to see that the other utilities in the state can buy the amounts of Seabrook they feel they need, and to see that whatever future projects are found to be necessary can be built, without CWIP.

The state cannot force a utility or its bankers to use the Energy Financing Commission -- those decisions properly belong in the board rooms of the financial community.

But the state can establish the vehicle, and offer it to the companies. It is of the utmost importance to place this legislation on the books, so it can be put to use when the opportunity for it arises! Thank You.

Sen. Conley moved that the Joint Convention arise.

Adopted.

Sen. Saggiotes and Rep. Benton moved that the Joint Convention adjourn.

Adopted.

HOUSE

The Speaker requested a quorum count.
The Speaker declared a quorum present.

Rep. Skinner presented a report from the Select Committee on Manpower Affairs on the CETA program.

SENATE MESSAGE
REQUESTS CONCURRENCE WITH AMENDMENT

HB 40, prohibiting the promotion and exhibition of fighting animals. (Amendment printed SJ March 21)

Rep. Bosse moved that the House concur. Adopted.

SIX-DAY EXTENSIONS GRANTED

HB 204, establishing centralized microfilming for the state and making an appropriation therefor. (Executive Departments and Administration)

HB 261, relative to restructuring the public utilities commission and making an appropriation therefor. (Executive Departments and Administration)

HB 267, requiring permission before connecting a self-dialing telephone alarm system to a telephone. (Science and Technology)

HB 112, authorizing the fish and game commission to set the deer season. (Fish and Game)

HB 266, authorizing the water supply and pollution control commission to implement the provisions of RSA 146-A relative to oil spillage; establishing the New Hampshire oil pollution control fund; and making an appropriation therefor. (Resources, Recreation and Development)

HB 270, giving municipalities the option to designate certain area within their jurisdiction as critical and to permit development therein when in accordance with protective standards. (Environment and Agriculture)

RECONSIDERATION

Rep. French moved that the House reconsider its action whereby it passed the French motion that no LSR filed as of this date for introduction of a House Bill, House Bill of Intent, House Joint Resolution or House Concurrent Resolution will be drafted unless all information required to permit it to be drafted is received by the Office of Legislative Services on or before March 26 at 5:00 p.m.

Reps. Tucker and Spiro spoke in favor of the motion.

Reconsideration prevailed.

Rep. French moved that the words, March 27, be substituted for the words, March 26 and spoke to his motion.

Rep. Newman spoke against the motion.

Reps. Scamman, Peterson and Lawton spoke in favor of the motion.

Rep. Tucker moved the previous question. Sufficiently seconded.

Adopted.

Question being on the motion as amended. Adopted.

The Subcommittee on Resolutions having approved its admittance, Reps. Hildreth and Chambers offered the following:

HOUSE RESOLUTION NO. 11

Celebrating Greek Independence Day

WHEREAS, Greece is known around the world as the birthplace of democracy, and WHEREAS, Greece has produced such leaders as Alexander the Great, Socrates, Pericles, and our own distinguished Minority Leader and Minority Whip, and

WHEREAS, Greece has contributed such things as classical Greek architecture, Venus de Milo, the Olympics and Cat Stevens, and

WHEREAS, March 25th is Greek Independence Day, therefore be it

RESOLVED, that the New Hampshire House of Representatives joins with all freedom loving people to celebrate Greek Independence Day, and be it further

RESOLVED, that a copy of this resolution be presented to the House Minority Leader and House Minority Whip.

Adopted.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 27 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 3, relative to the Connecticut River Atlantic Salmon Compact.

HB 106, providing for the acquisition of a certain dam and water rights by the fish and game department.

HB 321, allowing the postsecondary education commission to set a reasonable fee for certain transcripts.

SB 43, adopting a New Hampshire - Massachusetts interstate sewage and waste disposal facilities compact.

HB 189, making certain supplemental appropriations to various agencies and relative to expenditures and duties of the sunset committee.

HB 384, requiring a school census biennially.

HB 264, relative to the creation of valid contracts between a husband and wife and between a man and woman in contemplation of marriage.

Rep. French moved that the House stand in recess from time to time for the sole purpose of introducing bills and enrolling reports and when the House adjourns, it be to meet Tuesday, March 27 at 1:00 p.m.

Adopted.

RECESS

(Rep. French in the chair)

Rep. Guay offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 660 through 674 and HBI 2011 and HR 12 and HCR 7 and 8 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS,

HBI, HR and HCRs

First, second reading and referral

HB 660, relative to naming the bridge to Atlantic Heights after William F. Keefe. (Griffin of Rockingham Dist. 19; McEachern of Rockingham Dist. 20 - To Legislative Administration)

HB 661, providing for the local regulation of excavations. (Heald of Hillsborough Dist. 5; Williamson of Sullivan Dist. 9 - To Environment and Agriculture)

HB 662, relative to the attestation of deeds and mortgages. (Jones of Rockingham Dist. 13 - To Constitutional Revision)

HB 663, allowing minors to clean tables and glasses where liquor is served and to carry alcoholic beverages in case lots. (Smith of Carroll Dist. 3; LoFranco of Rockingham Dist. 21; Landry of Rockingham Dist. 23 - To Regulated Revenues)

HB 664, to require the posting of innkeepers' room rates. (LoFranco of Rockingham Dist. 21; Landry of Rockingham Dist. 23 - To Commerce and Consumer Affairs)

HB 665, relative to licensing for facilities housing mentally disabled or developmentally disabled persons. (Nardi of Hillsborough Dist. 27 - To Executive Departments and Administration)

HB 666, allowing hearings officers to conduct the hearings in certain child support cases. (McAvoy of Grafton Dist. 1 - To Health and Welfare)

HB 667, relative to the penalty for the non-filing of a property inventory form. (Sackett of Strafford Dist. 4 - To Constitutional Revision)

HB 668, establishing a coastal resources management program. (Hartford of Rockingham Dist. 17 - To Environment and Agriculture)

HB 669, relative to auctions. (Guay of Coos 5 - To Commerce and Consumer Affairs)

HB 670, relative to the advertising of "happy hours" by on-sale licensees. (Smith of Carroll Dist. 3 - To Regulated Revenues)

HB 671, relative to requiring approval by local option for siting of nuclear generating facilities. (Blakeney of Merrimack Dist. 17 - To Environment and Agriculture)

HB 672, relative to adverse reactions to required immunizations. (Close of Cheshire Dist. 14 - To Health and Welfare)

HB 673, relative to the advisory council on unemployment compensation. (Skinner of Rockingham Dist. 3A; Wheeler of Hillsborough Dist. 8 - To Labor, Human Resources and Rehabilitation)

HB 674, relative to the confidentiality of law enforcement investigative files. (Packard of Merrimack Dist. 4; Eaton of Cheshire Dist. 11 - To Judiciary)

HBI 2011, imposing a fine of \$100 for camping in nondesignated areas. (LoFranco

of Rockingham Dist. 21; Landry of Rockingham Dist. 23 - To Resources, Recreation and Development)

HR 12, relative to New Hampshire ownership of Seabrook station. (French of Belknap Dist. 1; Wight of Hillsborough Dist. 10; Scamman of Rockingham Dist. 15 - To Commerce and Consumer Affairs)

HCR 7, relative to growth management. (Wight of Hillsborough Dist. 10; Bowler of Belknap Dist. 3; Hynes of Hillsborough Dist. 25; Heald of Hillsborough Dist. 5; Lessard of Strafford Dist. 20; Russell of Cheshire Dist. 13; Scamman of Rockingham Dist. 15; Crory of Grafton Dist. 13; Oleson of Coos Dist. 5; Ladd of Cheshire Dist. 3 - To Resources, Recreation and Development.)

HCR 8, concerning the budget of the united States. (Roberts of Belknap Dist. 4; Bosse of Hillsborough Dist. 1; Coutermarsh of Hillsborough Dist. 24; Plourde of Merrimack Dist. 7; Sen. Monier of Dist. 9; Sen. Bergeron of Dist. 6. - To Constitutional Revision)

Rep. Guay moved that the House adjourn.
Adopted.

HOUSE JOURNAL 18

Tuesday 27Mar79

The House met at 1:00 p.m.

Prayer was offered by the House Chaplain, Rev. William L. Quirk.

Let us pray:

Lord, Almighty Father, be near to all of us as we call upon You. Increase our dedication to Your truth because we revere Your presence.

Hear our prayer this day and save us. Always keep us faithful to Your law in thought, word and deed.

We ask that You be our constant helper now and in the future. Guide us in the course of each day's work and bring us and what we do to a joyful and satisfying conclusion. Amen.

Rep. Roy Davis led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Russell, Lyons, Fisher, Cotton, Hebert, John Winn, Richards, Holliday, Stimmell, Emile Boisvert and Kane, the day, illness.

Reps. Raymond Dupont, Wiggins, Sabhow, Jesse Davis, Hunt, Drew, Birch, Splaine, Wilson, Canney and Lynch, the day, important business.

Reps. Cecelia Winn and Morin, illness in the family.

INTRODUCTION OF GUESTS

Fourth grade students from Weston School of Manchester, their principal, Roger Guillemette, and their teacher, Mrs. K. O'Leary, guests of Rep. Corey; George Zeaman, president of Laconia State School - Society for Retarded Citizens, guest of Reps. Murray and Freda Smith; Fourth grade students from Rumney School and their teachers, Mr. Beem-Miller and Adelaide Pease, guests of Rep. Taffe; Debbie Haight and Thomas Dolbec, guests of Rep. Dolbec; Fifth grade students from Broken Ground Elementary School of Concord and their teacher, Mrs. Heath, guests of the House; Robert Rivard, Chairman of the Manchester Highway Commission and the New Hampshire State Athletic Commission, guest of Rep. Spiro; Hon. Edward A. Gage, Judge, Exeter District Court, father of Rep. Carl Gage.

SENATE MESSAGE CONCURRENCE

HB 4, relative to confiscation of one's animal after a person is convicted of cruelty to animals.

HB 5, relative to the health certificates on dogs sold by breeders and the age of the dog when it is delivered to the purchaser.

HB 20, providing a fee for the issuance

of a duplicate certificate of hunting competency.

INTRODUCTION OF SENATE BILLS First, second reading and referral

SR 88, relative to the redemption of bank shares. (Commerce and Consumer Affairs)

SR 23, establishing the NH civic and sports facilities authority as a body politic and corporate for the purpose of acquiring, constructing, furnishing, equipping, owning, improving, operating, maintaining and financing civic and sports facilities complexes, and making an appropriation therefor. (Resources, Recreation and Development)

ENROLLED BILLS REPORT

SR 20, relative to the charter of the Frisbie Memorial Hospital.

HB 220, relative to bonds required on contracts involving public works.

HB 4, relative to confiscation of one's animal after a person is convicted of cruelty to animals.

HB 5, relative to the health certificates on dogs sold by breeders and the age of the dog when it is delivered to the purchaser.

HB 20, providing a fee for the issuance of a duplicate certificate of hunting competency.

HB 32, relative to the fish and game licensing agent's accounting.

HB 96, amending the charter provisions of the Littleton water and light department and providing for local referendum.

Rep. George Maglaras
For the Committee

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the Consent Calendar, with the relevant committee amendments, be adopted as printed in today's House Record.

HB 292 was removed from the Consent Calendar at the request of Rep. Parr.

HB 403 was removed from the Consent Calendar at the request of Rep. Morrisette.

HB 303 was removed from the Consent Calendar at the request of Rep. Kohl.

Adopted.

HB 68, establishing a legislative committee to study the feasibility of the state preserving farm land by the purchase of land, development rights or easements and making lands so preserved available for agricultural purposes by lease back or renting to bona fide farm operators. Inexpedient to Legislate.

Subject matter covered by HB 153. Vote was 18-0. Rep. Myrtle B. Rogers for Environment and Agriculture.

HB 402, relative to the location of migratory bee colonies. Inexpedient to Legislate.

Testimony was overwhelmingly against this bill and the Committee vote was 18-0. Rep. Myrtle B. Rogers for Environment and Agriculture.

HB 315, defining the covote as a fur-bearing animal. Inexpedient to Legislate.

Defining the coyote as a fur-bearing animal would give the Fish and Game Department the right to set season on the coyotes. Committee felt the covote should be unprotected. Vote was 14-1. Rep. John H. Stimmell for Fish and Game.

HB 329, relative to the hunting seasons. Inexpedient to Legislate. This bill drastically changed all small game seasons in state including stopping small game shooting during the deer season. Committee felt bill unworkable. Vote was 13-1. Rep. John H. Stimmell for Fish and Game.

SB 26, relative to wholesale dealer's license to buy and sell lobsters and crabs. Refer to Committee on Fish and Game for Interim Study.

The Committee had a seacoast subcommittee on this bill. Conflicting testimony. Bill needs much more study so the Committee recommended this bill be referred to the Committee for interim study. Vote was 15-0. Rep. Franklin G. Wolfson for Fish and Game.

HB 290, relative to property tax exemptions for the blind. Ought to Pass.

This bill provides a much needed exemption for the legally blind. Vote was 14-0. Rep. Beverly A. Gage for Municipal and County Government.

HB 316, relative to gaining settlement. Ought to Pass.

This bill spells out requirements for gaining settlement for a person between age 18-19. Vote was 14-0. Rep. Beverly A. Gage for Municipal and County Government.

HB 354, providing for the submission of all proposed budget items to the voters at annual meetings. Ought to Pass.

This bill will provide more information to the voters and would dovetail nicely with HB 217. Vote was 14-0. Rep. E. John Lowmes, III for Municipal and County Government.

HB 164, relative to allowing 16 year olds to serve on volunteer fire departments. Inexpedient to Legislate.

New Hampshire Department of Labor regulations (Regulation IV-c-102 and SUPP) permit 16 and 17 year olds to perform non-hazardous duties with volunteer fire departments, in connection with brush and forest fire fighting. The Department of Labor has agreed to amend these regulations, to permit 16 and 17 year olds to perform non-hazardous duties at any fire. Such action will help provide a pool of trained young persons who may later become full time members of the volunteer departments. The revised regulations will contain the same requirement for parental notification and permission, and for training of the young persons. HB 164 is therefore unnecessary. Committee vote was 9-0.

Rep. Maurice J. Levesque for Public Protection and Veterans' Affairs.

HB 475, requiring periodic training and requalification in the use and handling of firearms for all police officers in the state. Inexpedient to Legislate.

Although the Committee recognizes the need that all police officers be qualified in firearm use, it is felt that it is not in the province of the State, as it would be a violation of the principle of home rule, to mandate annual requalification. Instead, the Committee feels that it is up to the cities and towns to make such regulations as they see fit to insure proper qualifications. Guidelines for such regulations are available from the Police Standards and Training Council. Committee vote was 9-0. Rep. Richard E. Dolbec for Public Protection and Veterans' Affairs.

HB 423, relative to the city clerk of Concord accepting voter registrations. Ought to Pass.

Housekeeping measure. Removes Concord's exemption from compliance with RSA 55:9-a and brings Concord into conformity with rest of the state. Unanimous vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

COMMITTEE REPORTS (Regular Calendar)

HB 254, prohibiting the "docking" of the tail of a horse. Ought to Pass with Amendment.

The amendment allows for the docking of a horse's tail to be done by a veterinarian which seemed reasonable to the Committee. There were several cases in show horses where "docking" must be done and the Committee felt there was no need to require a permit process to do this. Vote was 15-0. Rep. Myrtle B. Rogers for Environment and Agriculture.

Amendment

Amend RSA 644:8-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

644:8-a Docking Tail of Horse. If any person shall cut the bone of the tail of a horse for the purpose of docking the tail, or shall cause or knowingly permit the same to be done upon the premises of which he is in control, or shall assist in or be present at such cutting, he shall be guilty of a misdemeanor. This section shall not apply to surgical operations performed by a licensed veterinarian.

Amendment adopted.

Ordered to third reading.

HB 186, relative to the taking of lake trout and salmon through the ice. Inexpedient to Legislate.

Committee felt this bill would hurt the salmon fishing in our big lakes. Vote was 8-7. Rep. John H. Stimmell for Fish and Game. Resolution adopted.

HB 219, relative to the hunting of game birds. Ought to Pass with Amendment.

The bill, as amended, includes woodcock in the group of migratory game birds. It also strikes section 2, 1 (a), (b) and (c) method of taking and provides for the extension of the ruffed grouse season through December 31. Vote was 14-1. Rep. Edmund R. Belak, Jr. for Fish and Game.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Woodcock. Amend RSA 209:5 by striking out said section and inserting in place thereof the following:

209:5 Migratory Game Birds. Anatidae or waterfowl, including wild ducks and geese; Rallidae or rails, including coot and gallinules; Limicolae or shore birds, including plover, snipe and yellow legs; Scolopacidae or woodcock; and Columbidae or pigeons, including doves, are declared to be migratory game birds.

2 Season for Grouse; Woodcock; Snipe. Amend RSA 209:1 by striking out said section and inserting in place thereof the following:

209:1 Grouse, Woodcock; Snipe. Ruffed grouse, commonly called partridge, may be taken and possessed from October first up to and including December 31. No person shall take more than 4 ruffed grouse in one day, nor more than 25 in one season. Woodcock and snipe may be taken and possessed during such time and in such manner and numbers as may be prescribed by regulations promulgated under the Federal Migratory Bird Treaty Act.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 222, authorizing the fish and game commission to set the season and bag limits for small game. Inexpedient to Legislate.

The Committee felt that setting of season should not be set entirely by the Fish and Game Commission. Vote was 13-2. Rep. John H. Stimmell for Fish and Game.

Resolution adopted.

HB 262, relating to fluoride use referenda. Ought to Pass.

This bill equalizes the amount of votes required for referendum. Vote was 13-1. Rep. Arnold B. Perkins for Municipal and County Government.

Ordered to third reading.

HB 460, relative to certain supplemental appropriations. Ought to Pass with Amendment.

This bill increases appropriations for four projects (including the amendment) previously approved by the General Court. The scope of the cost of these projects has increased; the added costs has been made evident subsequent to receipt of bids. Vote was 16-0. Rep. Norman W. Myers for Public Works.

Amendment

Amend the bill by striking out all after section 7 and inserting in place thereof the following:

8 Appropriation for Replacement of Cannon Tramway Increased. Amend 1977, 237:3 and 4 as amended by 1978, 52:11 by striking out said sections and inserting in place thereof the following:

237:3 Appropriation. There is hereby appropriated the sum of \$4,700,000 to be expended by the commissioner of the department of resources and economic development for the purposes of this act. The commissioner of resources and economic development shall apply for bureau of outdoor recreation (BOR) funds. In the event that BOR funds are available for the purpose of this act then they are hereby appropriated and the state funds and bonding authorized in section 4 of this act shall be reduced by an amount equal to the BOR funds available.

237:4 Bond Issue Authorized. To provide funds for the appropriation made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$4,700,000 and for that purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

9 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

HB 403, increasing the number of student members on the university system board of trustees. Inexpedient to Legislate.

The Committee believes that increasing the number of students to the Board of Trustees of the University System needs more study. The method of selection had considerable opposition during the testimony. The vote was 14-1. Rep. L. Keith Matheson for Education.

Rep. Morrisette moved that HB 403 be made a special order for Tuesday, April 3, and spoke to his motion. Rep. Taffe spoke in favor of the motion. Adopted.

HB 292, relative to home rule. Ought to Pass.

Permissive legislation which would solve many problems on a strictly local basis. Vote was 14-0. Rep. Anthony Peitone for Municipal and County Government.

Rep. Beverly Cage explained the committee report and yielded to questions.

On a voice vote, the Speaker was in doubt and requested a division.

237 members having voted in the affirmative and 26 in the negative, the committee report was adopted.

Ordered to third reading.

HB 303, exempting certain New Hampshire residents 65 years of age or older from the school tax and repealing certain exemptions. Inexpedient to Legislate.

The Committee feels the impact of this legislation would cause an inequality in taxation. Vote was 14-0. Rep. Richard Odell for Municipal and County Government.

Rep. Kohl moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Mann spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 35 NAYS 273

YEAS 35

BELKNAP: Matheson.

CARROLL: Keller.

CHESHIRE: Crane, Gordon, Kohl, O'Connor and Vrakatitsis.

COOS: Elmer Beaulac and Willey.

GRAFTON: Christy, Clark and Foster.

HILLSBOROUGH: Arris, Burkush, Yvette Chagnon, Craig, Head, Healy, Hendrick, Labombarde, Madigan, Mazur, Naro, Aime Paradis, Roy, James Sullivan, Vachon, Wallace and James J. White.

MERRIMACK: Mitchell.

ROCKINGHAM: Newman and Pevear.

STRAFFORD: Dennis Ramsey and Tripp.

SULLIVAN: Brodeur.

NAYS 273

BELKNAP: Bordeaux, Bowler, Gary Dionne, French, Hildreth, Lawton, Mansfield and Randall.

CARROLL: Chase, Dickinson, Heath, Howard and Towle.

CHESHIRE: Baybutt, Callahan, Close, Eisengrein, Ernst, Galloway, Ladd, Miller, Moore, Nims, Poanessa, Proctor, Margaret Ramsay, William Riley, Russell and Scranton.

COOS: Brungot, Burns, Chappell, Fortier, Guay, Bradley Haynes, Mayhew, Oleson, Theriault, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Copenhaver, Crory, Dearborn, Michael King, LaMott, Logan, Low, Lowmes, Mann, McAvoy, Pepitone, Rounds, Snell, Taffe, Thomson, Walter and Andrew Ware.

HILLSBOROUGH: Ainley, Archambault, Aubut, Baker, Wilfrid Boisvert, Bosse, Bover, Brack, Carswell, Compagna, Corey, Corser, Joseph Cote, Crotty, L. Penny Dion, Dolbec, Donovan, Beverly Dupont, Joseph Eaton, Nancy Gagnon, Gelinas, Granger, Sal Grasso, Guidi, Hall, Hardy, Heald, Howard Humphrey, Thomas Hynes, Jamrog, Kaklamanos, Karnis, Keefe,

Lefebvre, Levesque, Martel, Martineau, McCarthy, McLaughlin, Morgan, Morrison, Mulligan, Fred Murray, Nardi, Nemzoff-Berman, Odell, Peter Parady, Pastor, Pelletier, Perkins, Peters, Plomaritis, Polak, Proulx, David Ramsay, Peter Ramsey, Record, Reidy, Sallada, Silva, Leonard Smith, Soucy, Spiro, Steiner, Stylianos, Thihaault, Rock Tremblay, Van Loan, Wallin, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, M. Arnold Wight and Zaidel.

MERRIMACK: Allgever, Ayles, Bellerose, Bibbo, Blakenev, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Clements, Colby, Epstein, Hill, Kidder, LaBranche, Locke, McLane, Nichols, O'Neill, Packard, Paire, Ralph, Randall, Rice, Doris Riley, William Roberts, Selway, Shepard, Gerald Smith, Stio, Stockman, Stokes, Trachy, Rick Trombly, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Bisbee, Blake, Blanchette, William Boucher, Butler, Cahill, Marilyn Campbell, Carpenito, Connors, Patricia Cote, Roy Davis, Robert Day, Dunfee, Ellyson, Felch, Flanagan, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Griffin, Hartford, Jackson, Jones, Kashulines, Keenan, Roger King, Kozacka, Kraker, Landry, Lavcock, Leslie, LoFranco, Lovejoy, Joseph MacDonald, McEachern, Norman Myers, Nelson, Newell, Pantelakos, Parolise, Parr, Peterson, Pucci, Reese, Rogers, Schmidtchen, Schwaner, Skinner, Stickney, Svtek, Tavitian, Tufts, Vartanian, Vlack, Warburton, Wolfen and Woodman.

STAFFORD: Burchell, Ronald Chagnon, Demers, DeNafio, Drew, Farnham, Gauvin, Gosselin, Dianne Hercheke, Joos, Lessard, Maglaras, McManus, Meader, Morrisette, Nadeau, Pine, Pray, Preston, Robinson, Donald Smith, Vallev, Vaughan, Whitehead and Winklev.

SULLIVAN: Edmund Belak, David Campbell, Cutting, Sim Gray, LeBrun, Palmer, Spanos, Spaulding and Townsend, and the motion lost. Resolution adopted.

Rep. Freda Smith wished to be recorded against the Kohl motion, Ought to Pass.

ENROLLED BILLS AMENDMENT

SR 27, providing for an antique motorcycle.

Amendment

Amend section 2 of the bill by striking out line one and inserting in place thereof the following:

2 Registration Fee. Amend RSA 262:1, I by inserting

This amendment corrects the form of the amending language in section 2 of the bill. Adopted.

SUSPENSION OF RULES

Rep. Greene moved that the rules be so far suspended as to permit a public hearing

to be held without the required two day's notice in the Calendar on HB 477, relative to agricultural encouragement within the state and making an appropriation therefor. Adopted by the necessary two-thirds.

Rep. McLane presented the monthly report from the Committee on Ways and Means on the revenue estimates and receipts.

Rep. Tucker spoke to the report.

SIX-DAY EXTENSIONS GRANTED

HB 265, establishing a department of animal rights and welfare and making an appropriation therefor. (Executive Departments and Administration)

HB 272, relative to the transfer of prison guards at county jails and houses of correction from group I to group II of the New Hampshire retirement system. (Executive Departments and Administration)

HB 324, relative to establishing local emergency telephone service. (Science and Technology)

HCR 3, requiring action from both houses of the general court on joint rules on or before March 1, 1979. (Rules)

HB 199, relative to the sale of petroleum by-products by manufacturers or suppliers to retail dealers. (Commerce and Consumer Affairs)

HB 236, relative to landlord and tenant relations. (Commerce and Consumer Affairs)

HB 311, relative to the conduct of lotteries and contests and the offering of prizes and gifts in connection with the sale of subdivided lands and condominiums. (Commerce and Consumer Affairs)

HB 328, relative to minimum standards for the use and occupancy of rental property. (Commerce and Consumer Affairs)

HB 352, relative to certain add-on charges in connection with motor vehicle sales. (Commerce and Consumer Affairs)

TWO-DAY EXTENSIONS GRANTED

HB 134, relative to certain public utility companies establishing future credit accounts to reimburse customers for payment of certain surcharges. (Commerce and Consumer Affairs)

HB 155, requiring public utilities' rates to be based on a current level of services. (Commerce and Consumer Affairs)

HB 197, relative to public utilities issuing stock in return for construction work in progress charges. (Commerce and Consumer Affairs)

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Tuesday, April 3 at 12:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 290, relative to property tax exemptions for the blind.

HB 292, relative to home rule.

HB 316, relative to gaining settlement.

HB 354, providing for the submission of all proposed budget items to the voters at annual meetings.

HB 423, relative to the city clerk of Concord accepting voter registrations.

HB 254, prohibiting the "docking" of the tail of a horse.

HB 719, relative to the hunting of game birds.

HB 762, relating to fluoride use referenda.

Rep. French moved that the House stand in recess from time to time for the sole purpose of introducing bills and enrolling reports and when the House adjourns today, it be to meet Tuesday, April 3 at 12:30 p.m. Adopted.

RECESS

(Rep. French in the Chair)

Reps. Locke, Granger, McLane and Theriault offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 675 through 695 and House Resolutions numbered 14 through 16 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

INTRODUCTION OF HOUSE BILLS AND HRS

First, second reading and referral

HB 675, relative to the department of public works and highways and municipalities. (White of Hillsborough Dist. 27; Boisvert of Hillsborough Dist. 22; Palmer of Sullivan Dist. 7; Bibbo of Merrimack Dist. 2; Keller of Carroll Dist. 5; Ainley of Hillsborough Dist. 25 - To Public Works)

HB 676, establishing a committee to study reappointment of the legislature in preparation for 1981. (Hall of Hillsborough Dist. 12; Chase of Carroll Dist. 4 - To Legislative Administration)

HB 677, relative to the mandatory breakdown of rates and charges in public utility billing statements. (Sanders of Belknap Dist. 4; Sen. Rock of Dist. 12 - To Commerce and Consumer Affairs)

HB 678, establishing a statewide health coordinating council, designating a state health planning and development agency and prescribing their powers and duties. (Ward of Grafton Dist. 1; Head of Hillsborough Dist. 10; Nardi of Hillsborough Dist. 27; Preston of Dist. 23 - To Health and Welfare)

HB 679, requiring the private investment of teacher contributions to the New Hampshire retirement system. (How of Grafton Dist. 9 - To Executive Departments and Administration)

HB 680, requiring administrators and executors to notify towns and cities of those persons coming into ownership of real estate therein by inheritance or devise. (Sallada of Hillsborough Dist. 6 - To Statutory Revision)

HB 681, requiring full disclosure of facts known by a real estate salesman or broker to the potential buyer. (Keller of Carroll Dist. 5 - To Commerce and Consumer Affairs)

HB 682, relative to the appointment of a guardian ad litem in divorce proceedings. (Collins of Rockingham Dist. 5 - To Judiciary)

HB 683, relative to the contents of criminal records. (Cote of Hillsborough Dist. 28 - To Judiciary)

HB 684, relative to legal fees charged by county attorneys. (Hanson of Belknap Dist. 5 - To Municipal and County Government)

HB 685, permitting local communities to impose stricter litter control laws than required by state law. (White of Hillsborough Dist. 27; Pappas of Hillsborough Dist. 18 - To Municipal and County Government)

HB 686, relative to repair projects in the capital budget and approval of consultant contracts. (White of Hillsborough Dist. 27; Bibbo of Merrimack Dist. 2; Boisvert of Hillsborough Dist. 22; Palmer of Sullivan Dist. 7; LaMott of Grafton Dist. 6; Keller of Carroll Dist. 5; Ainley of Hillsborough Dist. 25 - To Public Works)

HB 687, relative to capital budget procedures. (White of Hillsborough Dist. 27; Bibbo of Merrimack Dist. 2; Boisvert of Hillsborough Dist. 22; Palmer of Sullivan Dist. 7; LaMott of Grafton Dist. 6; Keller of Carroll Dist. 5; Ainley of Hillsborough Dist. 25; Griffin of Rockingham Dist. 19 - To Public Works)

HB 688, relative to guardian ad litem in divorce. (Dav of Hillsborough Dist. 26 - To Judiciary)

HB 689, relative to the insurance agents' grievance committee holding hearings on termination of agents' contracts. (Boucher of Merrimack Dist. 6 - To Commerce and Consumer Affairs)

HB 690, relative to premium finance companies. (Boucher of Merrimack Dist. 6 - To Commerce and Consumer Affairs)

HB 691, limiting municipal liability claims for property damage and other personal injury. (Lamy of Hillsborough Dist. 35 - To Judiciary)

HB 692, limiting liability of municipal employees and officers in claims for property damages, bodily injuries and other personal injuries. (Lamy of Hillsborough Dist. 35 - To Judiciary)

HB 693, authorizing municipalities to establish central business service districts. (Lamy of Hillsborough Dist. 35 - To Municipal and County Government)

HB 694, ensuring the payment of witnesses in criminal cases who are subpoenaed to testify on behalf of the state whether or not they testify. (Packard of Merrimack Dist. 4; Eaton of Cheshire Dist. 11 - To Constitutional Revision)

HB 695, relative to the boat tax. (French of Belknap Dist. 1; Maglaras of Strafford Dist. 17 - To Transportation)

HR 14, relative to the membership of the house rules committee. (McManus of Strafford Dist. 18 - To Committee on Rules)

HR 15, urging the United States Congress to pass legislation creating an Energy Corporation of the Northeast. (White of Hillsborough Dist. 27; LaMott of Grafton Dist. 6 - To State-Federal Relations)

HR 16, relative to establishing special committees. (McManus of Strafford Dist. 18 - To Legislative Administration)

ENROLLED BILLS REPORT

HB 40, prohibiting the promotion and exhibition of fighting animals.

SB 43, adopting a New Hampshire - Massachusetts interstate sewage and waste disposal facilities compact.

Sen. Laurier Lamontagne
For the Committee

RECESS

(Rep. French in the Chair)

Rep. Morin offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 696 through 699 and 702 through 714 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 696, imposing certain limitations on oil suppliers doing business in the state. (Head of Hillsborough Dist. 10; Dickinson of Carroll Dist. 2; Smith of Hillsborough Dist. 14; Coutermarsh of Hillsborough Dist. 24; Saggiotes of Dist. 8; Fennelly of Dist. 21 - To Commerce and Consumer Affairs)

HB 697, relative to prohibiting the sale of beverages with any alcoholic content to minors. (Campbell of Rockingham Dist. 5 - To Regulated Revenues)

HB 698, relative to listing of ingredients contained in prescription drugs. (Cote of Hillsborough Dist. 28 - To Commerce and Consumer Affairs)

HB 699, relative to the conversion of certain class VI highways to footpaths or trails. (King of Grafton Dist. 13; Copenhagen of Grafton Dist. 13 - To Transportation)

HB 702, relative to the maintenance of the water level of Webster lake. (Daniell of Merrimack Dist. 13; Rep. Ralph of Merrimack Dist. 13; Trachy of Merrimack Dist. 13; LaBranche of Merrimack Dist. 12 - To Resources, Recreation and Development)

HB 703, relative to number plates used by dealers and manufacturers of motor vehicles, trailers, semi-trailers and tractors. (Newman of Rockingham Dist. 18 - To Transportation)

HB 704, making retired judges of probate referees. (Jones of Rockingham Dist. 13 - To Judiciary)

HB 705, relative to reducing innkeepers' liability. (McAvoy of Grafton Dist. 1 - To

Constitutional Revision)

HB 706, relative to labeling of prescription drugs. (Cote of Hillsborough Dist. 28 - To Commerce and Consumer Affairs)

HB 707, defining the word "consent" in adoption proceedings. (Copenhaver of Grafton Dist. 13 - To Health and Welfare)

HB 708, relative to the dissolution of Tenlan, Incorporated. (Hoar of Rockingham Dist. 8 - To Constitutional Revision)

HB 709, relative to elderly exemptions from property tax. (Parolise of Rockingham Dist. 5; Campbell of Rockingham Dist. 5 - To Municipal and County Government)

HB 710, providing for mandatory distribution of instructions on safely installing solid fuel appliances and directing the fire marshal to adopt a model code for such installation which may be adopted by the cities and towns. (Boucher of Merrimack Dist. 6; King of Grafton Dist. 13 - To Public Protection and Veterans' Affairs)

HB 711, relative to elected county officials. (Newman of Rockingham Dist. 18; Dunfey of Rockingham Dist. 12; LoFranco of Rockingham Dist. 21; Collins of Rockingham Dist. 5; Hoar of Rockingham Dist. 8 - To Municipal and County Government)

HB 712, permitting certain town meetings to be held outside the boundaries of the town. (Schreiber of Strafford Dist. 4 - To Municipal and County Government)

HB 713, requiring the office of institutional collections to furnish a chargeable person or estate with an annual report of charges. (Murray of Hillsborough Dist. 3; Smith of Rockingham Dist. 5 - To State Institutions)

HB 714, relative to guardianship procedures. (Hanson of Belknap Dist. 5; Lessard of Strafford Dist. 20; D. Herchek of Strafford Dist. 16; Day of Hillsborough Dist. 26; Roy of Dist. 22; Lamontagne of Dist. 1 - To Judiciary)

INTRODUCTION OF SENATE BILLS

AND SCRs

First, second reading and referral

SB 58, relative to the police standards and training council. (Public Protection and Veterans' Affairs)

SB 44, requiring the reporting of critical health problems. (Health and Welfare)

SB 80, to reclassify a certain highway in the town of Conway. (Transportation)

SB 60, increasing the maximum bond requirement of beer manufacturers and wholesalers. (Regulated Revenues)

SB 103, exempting bridge postings from the administrative procedures act. (Public Works)

SB 55, relative to the limitation on receiving assistance from the federal government and the state for sewage disposal facilities. (Resources Recreation and Development)

SCR 2, relative to the observance of National Energy Education Day. (Education)

SCR 5, recognizing the outstanding performance of the New Hampshire School Volunteer Program. (Education)

Rep. L. Penny Dion moved that the House adjourn.

Adopted.

HOUSE JOURNAL 19

Tuesday 3 Apr 79

The House met at 12:30 p.m.

Prayer was offered by Rep. Warburton.

Rep. William Boucher led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Russell, Lyons, Fisher, Cotton, Hebert, Close, John Winn, Richardson, Hartford and Gordon, the day, illness.

Reps. Willey, Eisengrein, Theriault, Sweeney, Morin and Randall, the day, important business.

Reps. Matheson and Cecelia Winn, the day, illness in the family.

INTRODUCTION OF GUESTS

Fourth grade students of Weston School of Manchester with their teacher, Mrs. L'Italien, and their principal, Mr. Guillemette, guests of Rep. Francis Sullivan; Marilyn Burgess and Mrs. Lorraine Locke, friend and wife of Rep. Locke; Sam Langley, guest of Rep. Rick Trombly; Mrs. Marilyn Lanev of Concord, guest of the House; George Welch of Manchester, guest of Rep. Welch; Annie and Mary Beth Cahill, guests of Rep. Cahill; Barbara and Russell Marshall of New Zealand and Pixie and Sarah Lown of Amherst, NH, guests of M. Arnold Wight.

ENROLLED BILLS REPORT

SB 27, providing for an antique motorcycle.

HB 33, repealing the special provision for agents' fee for clam licenses.

HB 35, relative to the penalty in taking deer during the closed season.

HB 37, relative to the satisfactory proof of completion of a hunter safety course.

HB 44, prohibiting the taking of otter in any manner except by trapping.

HB 175, eliminating the prohibition of sales of pistols and revolvers to aliens.

HB 184, legalizing the Holderness school district meeting of March 8, 1978.

HB 234, legalizing the town meeting of Hudson.

Sen. James Saggiotes
For the Committee

INTRODUCTION OF SENATE BILLS First, second reading and referral

SB 9, relative to the replacement of windows in the state house annex and the powers of the subcommittee for the handicapped and making an appropriation therefor. (Public Works)

SENATE MESSAGES CONCURRENCE

HB 37, relative to the satisfactory proof of completion of a hunter safety course.

HB 72, relative to minors using muzzle loading firearms.

HB 71, prohibiting the firing of a firearm from or across a public highway.

HB 34, relative to trapping at specified locations and periods of time in certain portions of a public right-of-way.

HB 35, relative to the penalty in taking deer during the closed season.

HB 44, prohibiting the taking of otter in any manner except by trapping.

HB 78, relative to the penalty for taking striped bass illegally.

HB 33, repealing the special provision for agents' fee for clam licenses.

HB 86, relative to the penalty for taking excessive quantities of oysters.

HB 184, legalizing the Holderness school district meeting of March 8, 1978.

HB 1, relating to the nature of supervisory unions.

HB 234, legalizing the town meeting of Hudson.

HB 183, relative to making certain changes in the marriage laws.

HB 175, eliminating the prohibition of sales of pistols and revolvers to aliens.

HB 13, allowing counties to establish fees and mileage to be paid to medical examiners and performers of autopsies.

HB 117, excepting tar kettles and conveyors from the requirement for brakes on trailers.

HB 115, relative to the statutory definition of agriculture and farming.

HB 67, amending the definition of the term "walking disability" in the motor vehicle laws.

HB 62, relative to the payment of racing fees to a municipality.

HB 102, repealing the \$100,000 property holding limitation of the New Hampshire Antiquarian Society.

HB 161, relative to authorization by town meetings for expenditure of monies made available to towns during the year.

HB 168, increasing the time frame for certain hearings.

HB 159, relative to the grace period for retaining a temporary plate for a motorcycle.

CACR 8, relating to when proposed constitutional amendments can be placed on the ballot. Providing that all proposed amendments shall only be placed on the ballot of the next biennial November election.

CACR 9, relating to voting procedures on constitutional convention sponsored amendments. Providing that the convention, by a three-fifths majority vote of the entire membership, may propose constitutional amendments.

ENROLLED BILLS REPORT

HB 34, relative to trapping at specified locations and periods of time in certain portions of a public right-of-way.

HB 62, relative to the payment of racing fees to a municipality.

HB 67, amending the definition of the

term "walking disability" in the motor vehicle laws.

HB 71, prohibiting the firing of a firearm from or across a public highway.

HB 78, relative to the penalty for taking striped bass illegally.

HB 86, relative to the penalty for taking excessive quantities of oysters.

HB 187, relative to making certain changes in the marriage laws.

HB 159, relative to the grace period for retaining a temporary plate for a motorcycle.

HB 161, relative to authorization by town meetings for expenditure of monies made available to towns during the year.

HB 168, increasing the time frame for certain hearings.

Rep. George Maglaras
For the Committee

SENATE MESSAGE NONCONCURRENCE

HB 300, requiring the licensing of rescue squad attendants and driver-attendants.

ENROLLED BILLS AMENDMENTS

HB 77, relative to the payment of salaries for county elected officials.

Amendment

Amend section 1 of the bill by striking out line one and inserting in place thereof the following:

1 County Officials. Amend RSA 23:5 (supp) as amended by striking out said

This amendment corrects the caption for section 1 to conform with the content as amended.

Adopted.

HB 221, relative to contracts by the department of public works and highways.

Amendment

Amend section 1 of the bill by striking out lines one through three and inserting in place thereof the following:

1 Limitation on Contracts. Amend RSA 228:4, I as amended by striking out said paragraph and inserting in place thereof the following:

Amend section 1 of the bill by striking out line 18 and inserting in place thereof the following:

or buildings whose cost exceeds \$150,000. It is further declared to be the

Amend section 2 of the bill by striking out lines one through three and inserting in place thereof the following:

2 Extended Time Period. Amend RSA 228:4, II as amended by striking out in line 3 the number "30" and inserting in place thereof the following (60) so that said paragraph as amended shall read as follows:

Amend section 2 of the bill by striking

out line 22 and inserting in place thereof the following:

shall be for the best interests of the state. Such determination shall be

The first and third parts of this amendment make technical changes in the amending language.

The second part corrects a grammatical error

The fourth part corrects a typographical error.

Adopted.

HB 8, repealing the statute which established an advisory committee to study the salaries of state officials and employees.

Amendment

Amend section 1 of the bill by striking out line one and inserting in place thereof the following:

1 Repeal. RSA 94:2-a, relative to the

This amendment corrects the form of the amending language of section 1 of the bill. Adopted.

HB 1, relating to the nature of supervisory unions.

Amendment

Amend section 1 of the bill by striking out lines 15 and 16 and inserting in place thereof the following:

and form new unions when it finds that such an action promotes the best interests of the schools.

This amendment corrects a typographical omission and a grammatical error in the bill. Adopted.

HB 13, allowing counties to establish fees and mileage to be paid to medical examiners and performers of autopsies.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

changing references in statutes from medical referees to medical examiners and allowing counties to establish fees and mileage to be paid to medical examiners and performers of autopsies.

This amendment is necessary to conform the title to the substance of the amended bill.

Adopted.

HB 72, relative to minors using muzzle loading firearms.

Amendment

Amend section 1 of the bill by striking out lines 1-3 and inserting in place thereof the following:

1 Minors Not Required to Obtain Muzzle Loading License. Amend RSA 208:5-a (supp) as inserted by 1963, 315:1 as amended by striking out said section and inserting in place thereof the following:

This amendment corrects a typographical error in the amending clause.

Adopted.

Rep. French requested a quorum count. The Speaker declared a quorum present.

Rep. French moved that debate on each issue be limited to 30 minutes equally divided.

Rep. Wilfrid Boisvert spoke against the motion.

Motion adopted.

The Speaker called for the Special Order.

Rep. William Boucher moved that HB 403, increasing the number of student members on the university system board of trustees, be made a special order under the Education reports on the Regular Calendar for the day and spoke to his motion.

Motion adopted.

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the Consent Calendar, with the relevant committee amendments, be adopted as printed in today's House Record.

HB 312 was removed at the request of Rep. White.

HB's 132 and 299 were removed at the request of Rep. Rick Trombly.

Adopted.

HB 205, extending required mental or nervous condition coverage by health insurance, hospital service corporations and medical service corporations to physicians using hypnosis. Inexpedient to Legislate.

The Committee did not see a justifiable need to include physicians qualified in hypnosis in the provision for payment of mental health benefits by insurers, nor were they fully convinced that the use of hypnosis alone qualifies one for compensation as a mental health specialist. Vote was 15-1. Rep. William J. McCarthv for Commerce and Consumer Affairs.

HB 285, relative to revision of the New Hampshire life and health insurance guaranty association act. Ought to Pass with Amendment.

The Committee recognizes standards established within this bill are recommended by the National Association of Insurance Commissioners. This legislation enhances the ability of the New Hampshire Life and Guaranty Association to protect New Hampshire consumers. Vote was 15-0. Rep. Richard

D. Hill for Commerce and Consumer Affairs.

Amendment

Amend RSA 404-D:8, I (b) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(b) Provide such monies, pledges, notes, guarantees, or other means as are proper to effectuate subparagraph (a), and assure payment of the appropriate contractual obligations of the impaired insurer pending action under subparagraph (a);

Amend RSA 404-D:8, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. If a foreign or alien insurer is an impaired insurer, the association may prior to an order of liquidation, rehabilitation or conservation, with respect to the covered policies of residents and subject to any fair and equitable conditions imposed by the association and approved by the impaired insurer and the commissioner:

(a) Guarantee or reinsure, or cause to be guaranteed, assumed, or reinsured, the impaired insurer's covered policies of residents; provided, however, if the commissioner finds that certain contractual obligations of the covered policies are not fair and equitable, then the association may, subject to the approval of the commissioner, only guarantee, assume or reinsure such contractual obligations of the covered policies on conditions which are fair and equitable;

(b) Provide such monies, pledges, notes, guarantees or other means as are proper to effectuate subparagraph (a), and assure payment of the impaired insurer's appropriate contractual obligations to residents pending action under subparagraph (a);

(c) Loan money to the impaired insurer.

Amend RSA 404-D:8, V (a) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(a) In carrying out its duties under paragraphs III and IV, the association may request that there be imposed policy liens, contract liens, moratoriums on payments, or other similar means and such liens, moratoriums, or similar means may be imposed if the commissioner:

(1) Finds that the amounts which can be assessed under this chapter are less than the amounts needed to assure full and prompt performance of the impaired insurer's contractual obligations, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of policy or contract liens, moratoriums, or similar means to be in the public interest, or that the imposition of policy or contract liens, moratoriums or similar means is fair and equitable, and

(2) Approves the specific policy liens, contract liens, moratoriums, or similar means to be used.

HR 157, concerning loans to medical and veterinary students. Ought to Pass.

This bill changes the present statute so as to include veterinary students in the

loan program. Loans are offered at a lower than commercial rate (the prevailing bond rate) so as to encourage graduates to return and practice in New Hampshire. The loan program currently in operation for medical students is working well and it is felt that the same will be true with veterinary students. Public support was very strongly in favor. Vote was 15-0. Rep. James M. O'Neill for Education.

Referred to Appropriations.

HB 340, changing the membership of the professional standards board. Inexpedient to Legislate.

At the present time, the Committee could see no need for a change in the composition of the Professional Standards Board. Vote was 14-0. Rep. Mable G. Cutting for Education.

HB 373, concerning withdrawal of a member district from a cooperative school district. Ought to Pass with Amendment.

This bill clarifies and simplifies the method by which a member district may withdraw from a cooperative school district. HB 373 has the support of the Department of Education. Vote was 15-0. Rep. L. Keith Matheson for Education.

Amendment

Amend sections 1 and 2 of the bill by striking out same and inserting in place thereof the following:

1 Procedure. Amend RSA 195:25 (supp) as inserted by 1977, 439:1 by striking out said section and inserting in place thereof the following:

195:25 Procedure for Withdrawal. After the tenth anniversary of the date of operating responsibility, the school board of a cooperative school district may undertake a study of the feasibility and suitability of the withdrawal of one or more member districts from the cooperative district. A similar study shall be undertaken if, after the tenth anniversary of the date of operating responsibility, a pre-existing district shall, by a majority vote on a warrant article at a regular or special town meeting, direct the school board to conduct such a study. The study shall be conducted by a committee composed of at least one member of the school board from each of the pre-existing districts, one member of the board of selectmen from each town, and such other members as may be appointed by the committee. Within 120 days after the date of its formation, the committee shall report its findings to the state board of education. The report may make a recommendation as to the withdrawal of a member district or districts; and, if this is done, the report shall contain a plan for the education of the pupils in the withdrawing district as well as in the cooperative district. The report shall further include a detailed analysis of the financial and educational consequences of the proposed withdrawal.

2 Vote. Amend RSA 195:29 (supp) as inserted by 1977, 439:1 by inserting in line

27 after the word "issuance." the following (If a majority of voters present and voting reject the plan, the withdrawing district shall have the right to appeal such vote to the state board of education. The state board shall upon receipt of such appeal investigate and report back to the district on its findings and recommendations; and this report may require that there will be another special meeting for a vote of reconsideration.) so that said section as amended shall read as follows:

195:29 Vote on Withdrawal. If the state board approves the plan for withdrawal, the board shall cause the withdrawal plan to be published once in some newspaper generally circulated within the cooperative school district. Upon receipt of a written notice of the board's approval of the withdrawal agreement, the school board of the cooperative district shall cause the withdrawal plan to be filed with the clerk of the cooperative school district and submitted to the voters of the district as soon as may reasonably be possible at an annual or special meeting called for the purpose, the voting to be by ballot with the use of the checklist, after reasonable opportunity for debate in open meeting. The article in the warrant for the district meeting and the question on the ballot to be used at the meeting shall be insubstantially the following form:

"Shall the school district accept the provisions of RSA 195 (as amended) providing for the withdrawal of the pre-existing district of _____ from the _____ cooperative school district in accordance with the provisions of the proposed withdrawal plan filed with the school district clerk?"

Yes ☒

No ☐

If a majority of the voters present and voting shall vote in the affirmative, the clerk of the cooperative school district shall forthwith send to the state board of education a certified copy of the warrant, certificate of posting, evidence of publication, and minutes of the meeting. If the board finds that a majority of the voters present and voting have voted in favor of the withdrawal plan, it shall issue its certificate to that effect and such certificate shall be conclusive evidence of the withdrawal of the pre-existing district and the continuation of the cooperative school district as of the date of its issuance. If a majority of voters present and voting reject the plan, the withdrawing district shall have the right to appeal such vote to the state board of education. The state board shall upon receipt of such appeal investigate and report back to the district on its findings and recommendations; and this report may require that there will be another special meeting for a vote of reconsideration.

HB 446, relative to the appointment of deputy school district treasurers. Ought to Pass.

The Committee feels this bill is necessary for occasions when the school

district treasurer is incapacitated or absent from the district. Vote was 14-0. Rep. Betty Jo Taffe for Education.

HB 466, expanding the early identification system for locating handicapped children in need of a program of special education and making an appropriation therefor. Inexpedient to Legislate.

This bill will not accomplish anything that cannot be done under the present legislation. Vote was 14-0. Rep. Edmund M. Keefe for Education.

HB 193, placing a public member on the state board of registration of funeral directors and embalmers. Ought to Pass.

The bill should make the Board of Registration of Funeral Directors and Embalmers more responsive to public concerns. Vote was 14-1. Rep. L. Pennv Dion for Executive Departments and Administration.

HB 194, placing a consumer on the commission of pharmacy and practical chemistry. Inexpedient to Legislate.

While the committee approves of the addition of a public member it was opposed to the removal of all but one licensed pharmacist with ten years experience and five years of conducting a pharmacy for five years as presently required. Vote was 14-0. Rep. Sara M. Townsend for Executive Departments and Administration.

HB 401, relative to retraining members of the New Hampshire retirement system otherwise eligible for a disability retirement allowance. Inexpedient to Legislate.

The sponsor indicated that he wished to withdraw the bill. Vote was 12-0. Rep. Sara M. Townsend for Executive Departments and Administration.

HB 503, relative to licensing real estate appraisers. Inexpedient to Legislate.

The Committee realized that there were possible abuses in the appraising field. However, the legislation drafted did not properly address the situation in order to eliminate possible abuses finally. Vote was 12-0. Rep. David J. Farnham for Executive Department and Administration.

HB 277, relative to the relationship between nonprofit health service corporations and health care service providers. Ought to Pass with Amendment.

The bill provides that benefits for services rendered by a participating physician shall be paid directly to the physician, and that benefits rendered by a non-participating physician shall be paid directly to the subscriber (patient). Vote was 15-0. Rep. Joseph A. MacDonald for Health and Welfare.

Amendment

Amend RSA 420-A:7-a as inserted by section 2 of the bill by striking out

same and inserting in place thereof the following:

420-A:7-a Classification as Participating Providers; Notice; Posting.

I. The insurance commissioner shall require each nonprofit health service corporation to make readily available to the public at its home office and branch offices a list identifying participating providers, said list to be updated at least twice a year.

II. All physicians shall prominently display in reception areas of their offices a poster indicating whether they are participating or nonparticipating providers of a plan operated by a nonprofit health service corporation.

HR 322, requiring all commercial eating establishments or places where food is served to post in a conspicuous place a graphic display of the Heimlich or similar maneuver. Ought to Pass with Amendment.

This bill provides for posting of this life-saving maneuver in commercial eating establishments. These posters and distribution will be provided by Blue Cross/Blue Shield at no cost. Vote was 15-0. Rep. James B. Craig for Health and Welfare.

Amendment

Amend RSA 155:43 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

155:43 Display Required. All commercial eating establishments or any place other than a private residence where food is served for consumption on the premises shall have posted in such premises in a conspicuous place a graphic display of the Heimlich maneuver or similar anti-choking maneuver. Such display shall not be less than 8 inches by 11 inches in size and shall contain at least the following:

I. A description in both words and pictures of what to look for to determine if a person is choking;

II. A description in both words and pictures of how to perform the Heimlich maneuver or similar anti-choking maneuver on a choking victim in order to expel the object from the victim's breathing passages; and

III. Any other information necessary to adequately instruct a rescuer in the proper procedure in aid of a choking victim.

HB 405, extending benefits of the crippled children's program to certain adults with cystic fibrosis and making an appropriation therefor. Ought to Pass.

This bill makes an appropriation for help to the nineteen cystic fibrosis people over 21 to partially cover the cost of their life-support medication. Vote was 13-0. Rep. James B. Craig for Health and Welfare.

Referred to Appropriations.

HB 337, making an appropriation to the department of resources and economic development for improvements to Bear Brook state park. Inexpedient to Legislate.

This bill properly belongs in the capital budget. There is also no firm commitment on federal funding. Vote was 12-0. Rep. James J. White for Public Works.

HB 408, increasing the construction appropriation for regional vocational education centers. Ought to Pass.

This bill continues the program previously authorized to establish the so-called "Skill Centers" or Regional Vocational Education Centers throughout the State; the authorization for funds would be increased to continue this program which has proven so successful. Vote was 13-0. Rep. Norman W. Myers for Public Works.

Referred to Appropriations.

HB 447, relative to the installation of traffic signals within the town of Gorham on route 16 and making an appropriation therefor. Inexpedient to Legislate.

The Committee finds that part of the problem is directly related to lack of zoning and planning. It should properly be resolved between the town and a developer. The portion of the problem directly related to the town and the Department of Public Works and Highways will be surveyed by the Surveillance Team and report its findings to the Public Works Committee and the Town Selectmen within 90 days. Vote was 17-0. Rep. Guy J. Fortier for Public Works.

HB 454, to reclassify certain sections of highways in the town of Merrimack; to provide town authorization to appropriate town funds for their improvement, and for the construction of a new interchange and collector roadways on the central New Hampshire turnpike in the town of Merrimack and making an appropriation therefor. Inexpedient to Legislate.

The Committee feels that this problem should be properly addressed after a report by Wilber Smith Associates is received and the Department of Public Works and Highways presents a firm solution. Vote was 12-0. Rep. James J. White for Public Works.

HB 463, extending the Laconia by-pass to the Weirs in lieu of takeover by state of the Weirs Boulevard and making an appropriation therefor. Refer to Committee on Public Works for Interim Study.

The Public Works Committee requests that this bill be referred to Interim Study along with HB 228 and HB 406. The reason being that the Wilber Smith Associates will be in the State this summer performing surveys and the Department of Public Works and Highways will be doing traffic analysis this summer. The Department of Public Works and Highways will submit a report and recommendations within six months. Vote was 13-0. Rep. James J. White for Public Works.

HB 488, to reclassify a certain highway in the city of Laconia. Inexpedient to Legislate.

Committee feels that this bill is inappropriate. The problems relative to this highway are basically the responsibility of the city of Laconia, and should be addressed by that city. This situation also comes under the compact areas statutes. Vote was 11-1. Rep. Roland D. Martineau for Public Works.

HB 2005, relating to establishing a restaurant or coffee shop next to each liquor store in Hooksett. Inexpedient to Legislate.

The Committee considers this bill inexpedient because of the strain it would put on the Town of Hooksett in the way of water supply, sewerage and solid waste disposal. Vote was 11-1. Rep. James J. White for Public Works.

COMMITTEE REPORTS (Regular Calendar)

HB 338, relative to nonforfeiture benefits of life insurance policies and reserve valuation standards for life insurance policies and annuity contracts. Ought to Pass with Amendment.

This bill provides technical amendments to the standard nonforfeiture law designed to encourage competition in the life insurance business and lower premiums for the consumer. The bill reflects amendments proposed by the National Association of Insurance Commissioners. Twenty-four states plus Puerto Rico and the District of Columbia have enacted it and 10 others are considering it. Vote was unanimous. Rep. Catherine G. Lamy for Commerce and Consumer Affairs.

Amendment

Amend RSA 409-A:4, as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

409-A:4 Minimum Nonforfeiture Amounts. The minimum values as specified in RSA 409-A:5, 409-A:6, 409-A:7, 409-A:8 and 409-A:9, I of any paid-up annuity, cash surrender or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts as defined in this section.

I. With respect to contracts providing for flexible considerations, the minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at a rate of interest of 3 percent per annum of percentages of the net considerations, as defined in this section, paid prior to such time, decreased by the sum of (a) any prior withdrawals from or partial surrenders of the contract accumulated at a rate of interest of 3 percent per annum and (b) the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract.

II. The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be an amount not less than zero and shall be equal to the corresponding gross considerations credited to the contract during that contract year less an annual contract charge of \$30 and less a collection charge of \$1.75 per consideration credited to the contract during that contract year. The percentages of net considerations shall be 65 percent of the net consideration for the first contract year and 87-1/2 percent of the net considerations for the second and later contract years. Notwithstanding the provisions of the preceding sentence, the percentage shall be 65 percent of the portion of the total net consideration for any renewal contract year which exceeds by not more than 2 times the sum of those portions of the net considerations in all prior contract years for which the percentage was 65 percent.

III. With respect to contracts providing for fixed scheduled considerations, minimum nonforfeiture amounts shall be calculated on the assumption that considerations are paid annually in advance and shall be defined as for contracts with flexible considerations which are paid annually with 2 exceptions:

(a) The portion of the net consideration for the first contract year to be accumulated shall be the sum of 65 percent of the net consideration for the first contract year plus 22-1/2 percent of the excess of the net consideration for the first contract year over the lesser of the net considerations for the second and third contract years.

(b) The annual contract charge shall be the lesser of \$30 or 10 percent of the gross annual consideration.

IV. With respect to contracts providing for a single consideration, minimum nonforfeiture amounts shall be defined as for contracts with flexible considerations except that the percentage of net consideration used to determine the minimum nonforfeiture amount shall be equal to 90 percent and the net consideration shall be the gross consideration less a contract charge of \$75.

Amend RSA 409-A:9, II as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

II. For any contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of RSA 409-A:5, 409-A:6, 409-A:7, 409-A:8 and 409-A:9, I, additional benefits payable (a) in the event of total and permanent disability, (b) as reversionary annuity or deferred reversionary annuity benefits, or (c) as other policy benefits additional to

life insurance, endowment and annuity benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this chapter. The inclusion of such additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits.

Amend RSA 410:7 as inserted by section 11 of the bill by striking out same and inserting in place thereof the following:

410:7 Minimum Reserves Required in Certain Cases. If in any contract year the gross premium charged by any life insurance company on any policy or contract regardless of when issued is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve thereon but using the most recent minimum valuation standards of mortality and rate of interest, the minimum reserve required for such policy or contract shall be the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for such policy or contract but using the minimum standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium.

Amendment adopted.

Ordered to third reading.

CACR 7, relating to compensation for legislators. Providing that presiding officers of both houses receive \$2,500 per year and all other members receive \$2,000 per year. Refer to the Committee on Constitutional Revision for Interim Study for report by October 1, 1979.

This has been proposed many times before, and has been turned down by the voters. Salaries were determined in 1989. There is need to look at the whole question and all its ramifications. Vote was 10-1. Rep. Joseph M. Eaton for Constitutional Revision.

Rep. Nims moved that CACR 7 be made a special order for Tuesday, April 17 and spoke to his motion.

Motion adopted.

HCR 4, rescinding the ratification by this state of the proposed amendment to the Constitution of the United States extending equal rights to women. Majority: Inexpedient to Legislate. Minority (Irene J. Shepard): Ought to Pass.

MAJORITY: The majority of the Committee does not see valid reason for adopting the questionable practice of attempting to rescind previously ratified amendments and supports the Equal Rights Amendment. Pro ERA, anti-rescission testimony, both verbal and written, far outweighed testimony for rescission. Vote was 9-3. Rep. Joseph M. Eaton for majority of Constitutional Revision.

MINORITY: FRA is an idea with unforeseen ramifications in all aspects which are now beginning to be recognized. Section 2 gives the Congress the right to make any laws dealing with women, thus usurping the rights of states to govern themselves. Original amendment was passed on the last day of the Special Session 1972 without notice or hearings. Vote was 9-3. Rep. Irene J. Shepard for minority of Constitutional Revision.

Rep. Wilfrid Boisvert moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Daniell, Holliday, Morrison, Greene, Ernst, Bodi and Underwood spoke against the motion.

Reps. Shepard, Emma Wheeler and Thomson spoke in favor of the motion.

Rep. Spirou moved that HCR 4 be Indefinitely Postponed.

Rep. Spanos spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 245 NAYS 101
YEAS 245

BELKNAP: Beard, Bordeaux, Bowler, Garv Dionne, French, Hanson, Hildreth, Lawton, Mansfield, Nighswander, Sabhow and Sanders.

CARROLL: Desiardins, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Jesse Davis, Kohl, Ladd, Lynch, Miller, Moore, Nims, Poanessa, Proctor, Margaret Ramsay, Russell, Scranton and Vrakatitsis.

COOS: Brungot, Burns, Chappell, Fortier, Bradley Haines, Horton, Hunt, Mavhew, Oleson, Willev, Wiswell and York.

CRAFTON: Chambers, Christy, Copenhaver, Crory, Dearborn, Foster, Michael King, Logan, Mann, Seely, Taffe, Walter and Ward.

HILLSBOROUGH: Archambault, Aubut, Baker, Bosse, Brack, Burkush, Carswell, Corey, Corser, Craig, Crotty, Catherine-Ann Dav, L. Penny Dion, Donovan, Drewniak, Beverly Dupont, Joseph Eaton, Celinas, Girolimon, Guidi, Hall, Hardy, Head, Heald, Hendrick, Howard Humphrey, Jamrog, Kaklamanos, Keefe, Lamv, Lefebvre, Roland Lemire, Madigan, Marcoux, Martineau, McCarthy, McDonough, Milton Meyers, Morrison, Mulligan, Nardi, Nemzoff-Berman, Pappas, Pastor, Perkins, Peters, Plomaritis, Polak, Proulx, David Ramsay, Peter Ramsey, Reidy, Richards, Roy, Silva, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Steiner, Stylianos, Francis Sullivan, James Sullivan, Vachon, Van Loan, Wallace, Wallin, Welch, Robert Wheeler, James J. White, M. Arnold Wight and Zaidel.

MERRIMACK: Ayles, Bellerose, Blakeney, Bodi, Carroll, John Cate, Colby, Daniell, Epstein, Holliday, Kidder, McLane, Nichols, O'Neill, Paire, Rice, William Roberts,

Selway, Stio, Stokes, Trachy, Rick Tromblv, Underwood, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Renton, Bisbee, Blanchette, William Boucher, Cahill, Marilyn Campbell, Carpenito, Collins, Connors, Patricia Cote, Roy Davis, Dunfev, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Griffin, Jackson, Kane, Keenan, Roger King, Kozacka, Krasker, Landry, Laycock, Leslie, LoFranco, Loveioy, Joseph MacDonald, McEachern, Norman Myers, Newell, Newman, Pantelakos, Parolise, Peterson, Pevear, Pucci, Oumby, Reese, Rogers, Scamman, Skinner, Freda Smith, Splaine, Stickney, Stimmell, Svek, Vartanian, Wojnowski and Woodman.

STRAFFORD: Burchell, Ronald Chagnon, Demers, DeNafio, Donnelly, Drew, Gauvin, Charles Grassie, Joos, Lessard, Maglaras, Meader, Morrisette, Nadeau, Pine, Preston, Dennis Ramsev, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Valley, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, D'Amante, Spanos, Spaulding, Townsend, Tucker, Wiggins and Williamson.

NAYS 101

BELKNAP: Birch and Morin.

CARROLL: Roderick Allen, Chase, Dickinson, Heath, Howard and Keller.

CHESHIRE: Crane, Ernst, Matson, O'Connor and Jean White.

COOS: Elmer Beaulac and Alcide Valliere.

CRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Clark, Low, Lowmes, McAvoy, McIver, Peditone, Rounds, Snell, Thomson, Andrew Ware and Wood.

HILLSBOROUGH: Ainlev, Wilfrid Boisvert, Yvette Chagnon, Compagna, Joseph Cote, Dolbec, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Healy, Karnis, Labombarde, Levesque, Martel, Mazur, Morgan, Murray, Naro, Odell, Peter Parady, Podles, Record, Paul Riley, Sallada, Thiheault, Rock Tremblay, Eliot Ware, Weaver, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Allgever, Bibbo, Laurent Boucher, Milton Cate, Clements, Hill, LaBranche, Locke, Mitchell, Packard, Ralph, Randlett, Doris Riley, Shepard, Gerald Smith, Stockman and Waters.

ROCKINGHAM: Blake, Butler, Robert Dav, Ellvson, Hoar, Kashulines, Nelson, Schmidtchen, Schwaner, Tavitian, Tufts, Vlack, Warburton and Helen Wilson.

STRAFFORD: Cannev, Gosselin, Prav and Winklev.

SULLIVAN: Cutting, Domini, Sim Gray, LeBrun and Palmer, and HCR 4 was Indefinitely Postponed.

Rep. Matson notified the Clerk that he

inadvertently voted nay and meant to vote yea.

HB 341, concerning impartial presentations of certain materials in schools. Refer to the Committee on Education for Interim Study.

The Committee feels that the concept of HB 341 has much merit, but serious questions arose regarding enforcement as the bill is now written. Much testimony both for and against the bill led the Committee to request more time for study. Committee vote was 9-8. Rep. Iris Valley for Education.

Referred to the Committee on Education for Interim Study.

HB 355, relative to the student trustee in the state university system. Ought to Pass with Amendment.

HB 355 is the logical next step in the progress toward student representation on the Board of Trustees of the University System. The bill provides for the election of one trustee by the student body on a rotating basis of the three campuses. The sponsor of the bill concurs with the amendment. Committee vote was 16-0. Rep. Iris Valley for Education.

Amendment

Amend RSA 187:5, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. One member shall be a student enrolled at the New Hampshire college of agriculture and the mechanic arts of the university of New Hampshire, Keene state college or Plymouth state college. The office of student trustee shall be rotated among the 3 schools in the order in which they are listed. The student trustee shall be elected by the student body at the school responsible for providing the student trustee. Said school shall provide for the election of the student trustee in March of the year for which the student trustee shall be elected. The student trustee's term shall be for one year commencing June 1 of the year for which he was elected and ending May 31 of the next year. In the event that a student trustee ceases for any reason to be a student at the school from which he was elected, the chancellor of the university system shall declare a vacancy in the student trustee position, and the next school in order shall elect the student trustee who shall serve for the remainder of his predecessor's term and an additional one year term, immediately following thereafter.

Amend RSA 187:5, VII as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

VII. The terms of office of the appointed and elected members, except the student member elected pursuant to paragraph III, shall be 4 years;

Amendment adopted.
Ordered to third reading.

The Speaker called for the Special Order.

HR 403, increasing the number of student members on the university system board of trustees. Inexpedient to Legislate.

The Committee believes that increasing the number of students to the Board of Trustees of the University System needs more study. The method of selection had considerable opposition during the testimony. The vote was 14-1. Rep. L. Keith Matheson for Education.

Rep. Morrisette moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. William Roucher, DeNafio and O'Neill spoke against the motion.

Reps. Pappas and Dunfee spoke in favor of the motion.

Rep. Lessard spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker Presiding)

YEAS 67 NAYS 265

YEAS 67

BELKNAP: Morin and Sabbo.

CARROLL: Roderick Allen and Desiardins.

CHESHIRE: Ernst, Lynch, Matson, Nims, Proctor, Russell and Vrakatisis.

COOS: Brungot, Bradley Haynes and Mayhew.

GRAFTON: Crory, Walter and Ward.

HILLSBOROUGH: Corser, Gelinas, Guidi, Hendrick, Roland Lemire, McCarthy, Mulligan, Pappas, Pastor, Plomaritis, Proulx, Peter Ramsey, Reid, Richards, Edward Smith, Leonard Smith, Spiro, Stylianos, Robert Wheeler and James White.

MERRIMACK: Blakenev, Carroll, Daniell, Epstein, Holliday, Randlett, Selway, Stio, Rick Trombly and Underwood.

ROCKINGHAM: Butler, Carpenito, Collins, Connors, Dunfee, Carl Gage, Gibbons, Laycock, Leslie, Newman, Splaine and Vartanian.

STRAFFORD: Farnham, Charles Grassie, James Herche, Joos, Morrisette and Pine.

SULLIVAN: David Campbell and D'Amante.

NAYS 265

BELKNAP: Beard, Birch, Bordeau, Bowler, Gary Dionne, French, Hanson, Lawton, Mansfield, Nighswander and Sanders.

CARROLL: Chase, Dickinson, Heath, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Bavhutt, Callahan, Crane, Jesse Davis, Daniel Eaton, Kohl, Ladd, Miller, Moore, O'Connor, Poanessa, Margaret Ramsay, Scranton and Jean White.

COOS: Elmer Beaulac, Burns, Chappell, Fortier, Guay, Horton, Hunt, George Lemire, Oleson, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Chambers, Christy, Clark, Dearborn, Foster, Logan, Low, Lowmes, Mann, McAvoy, McIver, Pepitone, Rounds, Snell, Taffe, Thomson, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Archambault, Aubut, Baker, Bosse, Brack, Burkush, Carswell, Yvette Chagnon, Compagna, Corey, Joseph Cote, Craig, Catherine-Ann Day, L. Pennv Dion, Dolbec, Donovan, Drewniak, Beverly Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Hall, Hardy, Head, Healy, Howard Humphrey, Jamrog, Karnis, Keefe, Lahombarde, Lamy, Levesque, Madigan, Marcoux, Martel, Martineau, Mazur, McDonough, Milton Mevers, Murray, Nardi, Nemzoff-Berman, Odell, Aime Paradis, Peter Parady, Perkins, Peters, Podles, Polak, Record, Paul Rilev, Roy, Sallada, Silva, Soucy, Steiner, Francis Sullivan, James Sullivan, Thibeault, Rock Tremblay, Van Loan, Wallace, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight and Zajdel.

MERRIMACK: Allgever, Ayles, Bellerose, Bibbo, Rodi, Laurent Boucher, John Cate, Milton Cate, Clements, Colby, Hill, James Humphrey, Kidder, LaBranche, Locke, Mitchell, Nichols, O'Neill, Paire, Doris Rilev, William Roberts, Shepard, Stockman, Stokes, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Bisbee, Blake, Blanchette, William Boucher, Cahill, Marilyn Campbell, Patricia Cote, Roy Davis, Robert Dav, Ellvson, Flanagan, Joseph Flynn, Beverlv Gage, Gould, Greene, Griffin, Hoar, Jackson, Kane, Keenan, Roger King, Kozacka, Krasker, Landrv, LoFranc, Loveiov, Joseph MacDonald, McEachern, Norman Myers, Nelson, Newell, Pantelakos, Parolise, Parr, Peterson, Pevear, Pucci, Quimby, Reese, Rogers, Scamman, Schmidtchen, Schwaner, Skinner, Freda Smith, Stickney, Stimmell, Sytek, Tavitian, Tufts, Vlack, Warburton, Helen Wilson and Wojnowski.

STRAFFORD: Burchell, Cannev, Ronald Chagnon, Demers, DeNafio, Donnelly, Drew, Gauvin, Gosselin, Dianne Herche, Lessard, Maglaras, Meader, Nadeau, Pray, Preston, Dennis Ramsev, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Valley, Vaughan, Whitehead, Allen Wilson and Winkley.

SULLIVAN: Brodeur, Cutting, Domini, Sim Grav, LeBrun, Lucas, Palmer, Spanos, Spaulding, Townsend, Tucker, Wiggins and Williamson, and the motion lost.

Question being on the Committee report, Inexpedient to Legislate.
Resolution adopted.

HB 153, relative to the acquisition of agricultural preservation restrictions. Ought to Pass with Amendment.

The purpose of this act is to recognize the importance of preserving the limited

land suitable for agricultural production, to safeguard the Public Health and Welfare by encouraging the maximum use of food and fiber producing capabilities of the State's agriculturally suitable land and to ensure the protection of agricultural land facing conversion to non-agricultural uses. Unanimous vote. Rep. Mvrtle R. Rogers for Environment and Agriculture.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the acquisition of agricultural land development rights and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Declaration of Purpose. The purpose of this act is to recognize the importance of preserving the limited land suitable for agricultural production, to safeguard the public health and welfare by encouraging the maximum use of food and fiber producing capabilities of the state's agriculturally suitable land and to ensure the protection of agricultural land facing conversion to non-agricultural uses.

2 Acquisition of Agricultural Land Development Rights. Amend RSA by inserting after chapter 36-C the following new chapter:

CHAPTER 36-D ACQUISITION OF AGRICULTURAL LAND DEVELOPMENT RIGHTS

36-D:1 Definitions. In this chapter:

I. "Agricultural land development rights" means the rights of the fee simple owner of agricultural land to construct on, sell, lease or otherwise improve the agricultural land for uses that result in rendering such land no longer suitable for agricultural use. Such development rights may be severed from the fee simple right to constitute a restriction for the preservation of the agricultural land.

II. "Agricultural preservation restriction" means the restraint placed on the development rights of agricultural land, whether stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land which is appropriate to retaining land or water areas predominantly in their agricultural use, to prohibit or limit (1) construction or placement of buildings except those used for agricultural purposes or for dwellings used for family living by the land owner, his immediate family or employees; (2) excavation, dredging or removal of loam, sod, peat, gravel, soil, rock or other mineral substance in such a manner as to adversely affect the land's future agricultural potential; or (3) other acts or uses detrimental to such retention of the

land for agricultural use.

III. "Agricultural use" means use of land for agriculture, farming, dairying, pasturage, horticulture, floriculture, or animal or poultry husbandry.

IV. "Commissioner" means the commissioner of the department of agriculture.

V. "Committee" means the agricultural lands preservation committee.

VI. "Conservation commission" means the conservation commission established by a city or town pursuant to RSA 36-A.

VII. "Governing body" means, in the case of a city, the city council or the board of aldermen or, in the case of a town, the board of selectmen.

VIII. "Municipality" means any city or town.

IX. "Site" means a specific land area used for agricultural purposes in which agricultural land development rights are acquired in order to preserve land suitable for agricultural production.

36-D:2 Agricultural Lands Preservation Committee; Members, Appointment, Term.

I. There is hereby established an agricultural lands preservation committee which shall function within the department of agriculture.

II. The committee shall consist of 7 voting members and 2 non-voting members, to be appointed as follows:

(a) The commissioner of the department of agriculture who shall be chairman;

(b) The commissioner of the department of resources and economic development, or his designate;

(c) The director of the office of state planning, or his designate;

(d) The secretary of the agricultural advisory board;

(e) Three members, 2 of whom are owners and operators of farms in the state, who shall be appointed by the governor with the advice and consent of the council for 3 years. One shall hold office for one year, one for 2 years and one for 3 years in the first instance;

(f) The dean of the college of life sciences and agriculture of the University of New Hampshire, or his designate, who shall serve as a non-voting member; and

(g) The New Hampshire state conservationist of the United States Department of Agriculture soil conservation service, or his designate, who shall serve as a non-voting member.

III. Members of the committee who are not state employees shall be paid \$25 a day, each, for such time as they are actually engaged in the work of the committee. All members shall be paid their actual expenses incurred as a result of such work and shall be paid mileage at the same rate as state employees.

IV. A majority of the voting members of the committee shall constitute a quorum.

36-D:3 Duties of the Committee.

I. The committee shall evaluate and accept or reject sites proposed by a municipality pursuant to RSA 36-D:5. The committee shall consider in their evaluation, at a minimum, the following:

(a) the degree to which the acquisition would serve to preserve the agricultural potential of the state;

(h) the suitability of land as to soil classification and other criteria for agricultural use; and

(c) the fair market value of such land pursuant to RSA 75:1 and the fair market value of such land when used for agricultural purposes as determined by the current use advisory board pursuant to RSA 79-A.

II. The committee shall prepare an annual report. Such report shall include the number and geographic distribution of sites accepted and rejected, the acreage and costs of purchases, and such other information as will enable the program to be evaluated. The report shall be submitted to the governor and council.

36-D:4 Duties of Commissioner. The commissioner shall, with the advice and consent of the committee, and in accordance with RSA 541-A:

I. Adopt rules for municipalities to use in determining the suitability and feasibility of acquiring the development rights for a particular site.

II. Adopt criteria to define and classify agricultural lands.

III. Adopt procedures for the purchasing of agricultural land development rights by the state.

IV. Adopt procedures for the release of a site from agricultural preservation restrictions.

V. Fulfill any duties delegated by the committee pursuant to this chapter.

36-D:5 Procedure for Administration.

I. Acquisition of agricultural land development rights may be conducted in cooperation with a landowner and, upon approval pursuant to this section, administered by the governing body of a municipality or its designated agency or by a conservation commission as designated by the municipality.

II. Any proposal for designating a site as an agricultural preservation restriction area shall be submitted by the municipality to the committee for its approval. The committee shall determine the amount due to the affected agricultural landowner and authorize the commissioner to pay such amount to the owner. Agricultural land development rights purchased pursuant to this section shall be held in the name of the state of New Hampshire.

III. The determination of such amounts shall be equitable in consideration of anticipated benefits from the proposed site but not to exceed the difference between the fair market value of such land and the fair market value of such land restricted for agricultural purposes pursuant to this chapter.

IV. The rights acquired pursuant to the purchase agreement shall not be sold or otherwise conveyed to a third party without consent of the landowner, nor does such purchase grant the public any right of access or right of use of the affected property.

36-D:6 Assessments. Land designated as an agricultural preservation site and utilized for agricultural production shall be assessed for general property tax purposes at values no greater than those determined to be the fair market value for

such land as determined by the current use advisory board established by RSA 79-A:3.

36-D:7 Release.

I. Agricultural preservation restrictions shall be in perpetuity except as released pursuant to this section and RSA 36-D:8. All customary rights and privileges of ownership shall be retained by the owner including the right to privacy and the right to carry out all regular agricultural practices which are not prohibited by RSA 36-D:1, II.

II. Agricultural preservation restrictions may be released by the committee if the site is no longer suitable for agricultural purposes. A municipality administering an agricultural preservation site may request the committee's approval to release the restriction for the public good. Prior to the release of the agricultural land development rights by the committee, a public hearing shall be conducted in the municipality administering the site. A notice of said hearing shall specify the grounds for the hearing as well as the date, time and place and at least 14 days' notice of the time and place of such hearing shall be published in a paper of general circulation in the municipality and a legal notice thereof shall also be posted in at least 3 public places in such city or town; the 14 days shall not include the day of publication nor the day of the meeting, but shall include any Saturdays, Sundays and legal holidays within said period. At least 2 committee members shall sit on the hearing panel.

III. Development rights of agricultural land purchased with public funds may be released upon repayment by the landowner of reasonable value thereof which shall not be less than the difference between fair market value of such land at the time of such release and the fair market value of such land restricted for agricultural purposes at the time that development rights were acquired.

36-D:8 Development Rights Acquired by Public Bodies.

I. Development rights of agricultural lands may be acquired by any governmental body or charitable corporation or trust which has the authority to acquire interests in land. The restrictions arising from the acquisition of the development rights may be enforced by injunction or other proceeding. Representatives of the holder shall be entitled to enter such land in a reasonable manner and at reasonable times to assure compliance with the restriction.

II. The restrictions may be released, in whole or in part, by the holder for consideration in an amount determined by the governmental body or charitable corporation or trust that purchased the development rights. Prior to release of the restriction by a governmental body, a public hearing shall be conducted in the municipality administering the site. A notice of said hearing shall specify the grounds for the hearing as well as the date, time and place and at least 14 days' notice of the time and place of such hearing shall be published in a paper of general circulation in the municipality and a legal notice thereof shall also be posted in at least 3 public

places in such city or town; the 14 days shall not include the day of publication nor the day of the meeting, but shall include any Saturdays, Sundays and legal holidays within said period.

36-D:9 Public Interest. Prior to action by a governmental body to acquire the development rights or release or approve the agricultural preservation restriction, the body shall consider the public interest in such agricultural preservation, any national, state, regional or local program in furtherance thereof, and any state, regional or local comprehensive land use plan.

36-D:10 Recording.

I. Acquisition of the development rights or release of the preservation restrictions on agricultural land shall be evidenced by certificates issued by the commissioner and shall be recorded pursuant to RSA 477:3-a in the appropriate registry of deeds by an official of the municipality administering the site. Recording costs shall be paid by the affected landowner.

II. Municipal and regional planning boards established pursuant to RSA 36 shall be notified in writing by the commissioner of the acquisition or release of an agricultural preservation site which shall be duly noted in the master plan of the municipality or region.

36-D:11 Covenants Already in Force Relating to the Affected Site. Any prior right, easement, privilege, restriction or condition relative to a designated site which then becomes subject to an agricultural preservation restriction shall remain enforceable. The restriction shall be subject to the prior covenants except upon the express release of the covenants due to the acquisition of the site's agricultural land development rights. If prior covenants are released upon the acquisition of the agricultural land development rights and the agricultural preservation restriction is then released pursuant to RSA 36-D:7 or RSA 36-D:8, the covenants shall be revived to the same status as prior to the acquisition of the development rights.

36-D:12 Land for Public Use; Eminent Domain, Easements by Public Utilities.

I. Any powers granted by general or special law to acquire land for public uses by purchase, gift or eminent domain shall not be diminished, provided, however, alternative land areas are considered.

II. Public utility companies may obtain easements by eminent domain on sites designated agricultural preservation restriction areas for the purpose of utility services; provided, however, the utility (1) gives thorough consideration to alternative areas before such land can be taken, (2) guarantees the minimum practicable interference with agricultural operations with respect to width of easement, pole location and other pertinent matters, (3) obtains all necessary licenses, permits, approvals and other authorizations from the appropriate government agencies and (4) compensates the landowner in the same manner and at the same fair market value as if the land were not designated as an agricultural preservation site.

III. The committee, or its designates shall be consulted prior to the taking of any property pursuant to this section. If the committee determines there was a taking contrary to the provisions of this section it shall have the right of appeal to the superior court on behalf of the landowner.

36-D:13 Bonds. The state treasurer, upon request of the governor and council, shall issue and sell bonds designated as the agricultural land development rights acquisition outlay bond act of 1979 to meet the necessary expenditures in implementing this chapter. The bonds may be sold at public or private sale and may be registered or with interest coupons attached as determined to be in the best interest of the state by the state treasurer. The amount of the issued bonds shall be specified by the governor and council from time to time, but the amount shall not exceed in the aggregate the sum of \$3,000,000. The bonds shall be on the serial payment plan for a maximum term of years, not exceeding 10 years, as the governor may recommend to the general court. The state treasurer shall arrange the maturity of the bonds in a manner to ensure that the amounts shall be equally payable in the several years of the period of amortization other than in the final year. The bonds shall bear interest semiannually at a rate determined by the state treasurer and approved by the governor and council. The initial maturities of the bonds shall be payable not later than one year from the date of issue and the maturity date of the entire issue shall not be later than June 30, 1992.

36-D:14 Contributions. The committee is authorized to apply for and accept federal funds and to use and dispose of money, services and property received from contributions and gifts for the purposes of this chapter.

3 Formation of Task Force. The commissioner of the department of agriculture shall appoint a task force to consider mechanisms for the protection and promotion of agriculture in the state, including, but not limited to, the designation of agricultural districts, creation of land trusts and extension of the agricultural land preservation program to include other lands and alternative financing programs. The task force shall report its recommendations to the general court from time to time and shall submit a preliminary report to the general court on or before January 1, 1981.

4 Definitions. Amend RSA 477:45 by inserting after paragraph II the following new paragraph:

III. "Agricultural preservation restriction" means the restraint placed on the development rights of agricultural land whether stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land which is appropriate to retaining land or water areas predominantly in their agricultural use, to prohibit or limit (1) construction or placement of buildings except those used for agricultural purposes or for dwellings used for family living by the land owner, his immediate family or employees; (?)

excavation, dredging or removal of loam, sod, peat, gravel, soil, rock or other mineral substance in such a manner as to adversely affect the land's future agricultural potential; or (3) other acts or uses detrimental to such retention of the land for agricultural use.

5 Restrictions Enforceable. Amend RSA 477:46 (supp) as inserted by 1973, 391:1, by inserting in line 8 after the word "site" the following (and no agricultural preservation restriction held by any governmental body or charitable corporation, trust or other entity whose purposes include preservation of land or water areas predominantly in their agricultural state) so that said section as amended shall read as follows:

477:46 Restrictions Enforceable. No conservation restriction held by any governmental body or by a charitable, education or other corporation, association, trust or other entity whose purposes include conservation of land or water areas of a particular such area, and no preservation restriction held by any governmental body or by a charitable, educational or other corporation, association, trust or other entity whose purposes include preservation of structures or sites of historical significance or of a particular such structure or site and no agricultural preservation restriction held by any governmental body or charitable corporation, trust or other entity whose purposes include preservation of land or water areas predominantly in their agricultural state, shall be unenforceable against any owner of the restricted land or structure on account of lack of privity of estate or contract, or lack of benefit to particular land, or on account of the benefit being assignable or being assigned to any other governmental body or to any entity with like purposes. This section shall not be construed to imply that any restriction, easement, covenant or condition which does not have the benefit of this section shall, on account of any provisions hereof, be unenforceable. Any doctrine of law which might otherwise cause the termination of such a restriction shall not be affected by the provisions of this subdivision.

6 Interest in Real Estate. Amend RSA 477:47 (supp) as inserted by 1973, 391:1, by striking out in line one the words "and preservation" and inserting in place thereof the following (, preservation and agricultural preservation) so that said section as amended shall read as follows:

477:47 Interests in Real Estate. Conservation, preservation and agricultural preservation restrictions are interests in real estate and a document creating such a restriction shall be deemed a conveyance of real estate for purposes of RSA 477:3 relating to execution and recording. Such a restriction may be enforced by an action at law or by injunction or other proceeding in equity.

7 Appropriation. There is hereby appropriated to the agricultural lands preservation committee for the purposes of this act the sum of \$4,000 for the biennium ending June 30, 1981. The governor is authorized to draw his warrant for said sum

out of any money in the treasury not otherwise appropriated.

8 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 289, relative to certain changes in the veterinary practices act. Ought to Pass with Amendment.

The Committee is in agreement that the word malpractice should remain in the statutes. The Committee recognizes the need for a temporary board member in cases of illness or conflict of interest. Vote was 19-0. Rep. Murtle B. Rogers for Environment and Agriculture.

Amendment

Amend the bill by striking out section 1 and renumbering sections 2 and 3 to read as follows:
1 and 2 respectively.

Amendment adopted.

Ordered to third reading.

HB 88, establishing the office of ombudsman within the state council on aging and making an appropriation therefor. Ought to Pass with Amendment.

This bill provides for the establishment of an ombudsman for the elderly who will be an impartial advocate for their concerns and grievances. This bill further provides for a mechanism for receiving, investigating and final disposition of all valid grievances received by the ombudsman. The pilot program in New Hampshire and across the nation has produced good results for elderly in nursing homes documented in fact and now the New Older Americans Act is mandating the continuation of this program for all the States. Vote was 12-0. Rep. Edward J. Woinowski for Executive Departments and Administration.

Amendment

Amend paragraph I (c) of section 1 of the bill by striking out same and inserting in place thereof the following:

(c) that, to the degree that certain of the elderly may experience difficulty in securing their civil and human rights as patients, residents and clients of the health care facilities created to serve their specialized needs and problems, it is the obligation of the state to take appropriate action through the creation of a special framework by which those rights shall be protected.

Amend paragraph II of section 1 of the bill by striking out same and inserting in place thereof the following:

II. The legislature, therefore, declares that it is the public policy of this state to secure for the elderly patients, residents and clients of health care facilities serving their specialized needs and problems the same civil and human

rights guaranteed to all citizens; and that, to this end there should be established within state government the office of ombudsman to receive, service, investigate and resolve complaints or problems concerning certain health care facilities serving the elderly which would adversely affect the health, safety, welfare and civil and human rights of elderly patients, residents and clients of such facilities.

Amend RSA 167-A:11, V and VI as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

V. "Facility" means any facility or institution, whether public or private, offering health or health related services for the institutionalized elderly, and which is subject to regulation, visitation, inspection, or supervision by any government agency. Facilities include, but are not limited to, nursing homes, skilled nursing homes, intermediate care facilities, extended care facilities, convalescent homes, rehabilitation centers, homes for the aged, special hospitals, veterans hospitals, chronic disease hospitals, psychiatric hospitals, mental hospitals, mental retardation centers or facilities, day care facilities for the elderly, medical day care centers and nursing homes or other homes for sheltered care.

VI. "Government Agency" means any department, division, office, bureau, board, commission authority or any other agency or instrumentality created by any county or municipality or by the state, or to which the state is as party, which is responsible for the regulation, inspection, visitation or supervision of facilities or which provides services to patients, residents or clients of facilities.

Amend RSA 167-A:11, IX, as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

IX. "Patient, resident or client" means any elderly person 60 years of age or older who is receiving treatment, care of housing in any facility in all its aspects including, but not limited to, admission, retention, confinement, commitment, period of residence, transfer, discharge and any instances directly related to such status.

X. "Director" means the director appointed pursuant to RSA 167-A:8.

Amend RSA 167-A:12, 13, 14, 15, 16 and 17 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

167-A:12 Office Established. There is hereby established the office of ombudsman within the state council on aging. The office shall be responsible for receiving, servicing, investigating and resolving complaints or problems concerning certain health care facilities and for investigating the administrative acts and omissions of any government facility or agency as defined in RSA 167-A:11, V and VI.

167-A:13 Ombudsman. The director, subject to the approval of the council, shall hire a person as the administrator and chief executive officer of the office who shall be called ombudsman and who shall be a person qualified by training and experience to perform the duties of the office. The

ombudsman shall hire such other persons needed to perform the functions of this office. The ombudsman shall devote his entire time to the duties of his position and shall receive such salary as shall be provided in a classified position under regulations set forth in policy by the department of personnel.

167-A:14 Filling Vacancy. Any vacancy occurring in the position of ombudsman shall be filled as provided in RSA 167-A:13; except however, that, whenever the ombudsman dies, resigns or becomes ineligible to serve for any reason or is removed from office for just cause, the director subject to the approval of the council may appoint an acting ombudsman who shall serve until the appointment and qualification of a permanent ombudsman but never longer than 6 months from the occurrence of the vacancy.

167-A:15 Powers and Duties. The ombudsman, as administrator and executive officer of the office, shall, subject to the approval of the director and council:

I. Adopt reasonable rules and regulations, pursuant to RSA 541-A, prescribing duties for the efficient conduct of the business, work and general administration of the office; and

II. Adopt and implement reasonable rules and regulations, pursuant to RSA 541-A, relative to eliciting, receiving, investigating, responding to and resolving complaints or problems from patients, residents or clients of facilities, from the relatives or guardians of such persons or from other interested parties, public officials, or government agencies having an interest in the matter; and

III. Acting on complaint, investigate any act, practice, policy or procedure of any facility or government agency that does or may adversely affect the health, safety, welfare or civil or human rights of any patient, resident or client of a facility; and

IV. Acting on its own initiative, investigate any act, practice, policy or procedure of any facility or government agency which it determines does or may adversely affect the health, safety, welfare or civil or human rights of any patient, resident or client in a facility; and

V. Assure that any files maintained by the ombudsman program shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed by such ombudsman unless:

(a) Such complainant or resident, or his legal representative, consents in writing to such disclosure; or

(b) Such disclosure is required by court order; and

VI. The ombudsman shall be required as ordered by a court to testify in any judicial proceeding in any civil or criminal matter which is directly related to his role in providing protective services with respect to matters held to be confidential in this section.

VII. Establish a state wide uniform reporting system to collect and analyze data relating to complaints and conditions

pursuant to the comprehensive Older American Acts Amendments of 1978 section 307(a)(12)(c).

167-A:16 Access to Records, etc.

I. In an investigation, the representative of the office may:

(a) Make the necessary inquiries and obtain such information as he deems necessary;

(b) Enter during normal working hours and, after notifying the person in charge of his presence, inspect the premises of a facility or government agency and inspect there any books, files, medical records or other records that pertain to patients, residents or clients and are required by law to be maintained by the facility or government agency;

(c) Compel at a specific time and place, the appearance of any person whom the office reasonably believes may be able to give information relating to a matter under investigation; or

(d) Compel any person to produce at a specific time and place, any documents, books, records, papers, objects, or other evidence which the office reasonably believes may relate to a matter under investigation.

II. In an investigation, the representative of the office shall have the authority to apply to the superior court for an order authorizing entry when an administrator of a facility refuses such representative entry as provided in paragraph I (b).

167-A:17 Immunity. Any statement or communication made by the office relevant to a complaint or problem received by, proceedings before, or investigative activities of that office and any complaint or information made or provided in good faith by any person shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed. Such immunity shall be a complete defense in any action which shall allege libel or slander, unless such person acted in bad faith or with malicious purpose.

Amend RSA 167-A:20 and 21 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

167-A:20 Review; Report Required. The director and council shall review on a regular basis the development, implementation, administration and operation of the office provided for in this subdivision. To facilitate this review, the office shall submit such reports as called for by the director and council from time to time and shall submit an annual report no later than 60 days after the close of the fiscal year.

Amend the bill by striking out sections 3 and 4 and inserting in place thereof the following:

3 Appropriation. The sum of \$18,000 is hereby appropriated for the purposes of this act for the fiscal year ending June 30, 1980, and a like sum for the fiscal year ending June 30, 1981. The ombudsman and the state council on aging are authorized to apply for, accept and expend federal or private funds that may be made available for the purposes of this act and such non-state funds shall be available in addition to

those funds appropriated by the state. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Sunset. The office of ombudsman established by this act shall terminate January 1, 1985, for the purposes of RSA 17-G unless extended as provided in RSA 17-G.

5 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Referred to Appropriations.

HB 519, relative to ordinary death benefits under the New Hampshire retirement system. Inexpedient to Legislate.

This bill has an undefined fiscal impact and covers only Group II of the retirement system. In view of this, the Committee thought it was unwise and discriminatory to pass this legislation at this time. Rep. Maura Carroll for Executive Department and Administration.

Rep. Carroll yielded to questions. Resolution adopted.

HB 212, requiring the reporting of induced terminations of pregnancy.

Majority: Ought to Pass with Amendment. Minority (Reps. Daniell, Carpenito, Ralph and McAvoy): Inexpedient to Legislate.

MAJORITY: This bill allows us to collect data for the purpose of education, prevention, and service delivery. The Committee is satisfied that the present structure as well as the amendment provide sufficient safeguards against any potential breach of confidentiality. Rep. Matthew S. Epstein for the majority of Health and Welfare.

MINORITY: Committee vote was 8-6. The minority feels the bill is an invasion of privacy, and does not convey sufficient facts to be worthy of the expense and inconvenience. Both the "Right to Life" and the "Right to Freedom of Choice" opposed the bill. Reps. Eugene S. Daniell, Jr., Eleanor F. Carpenito, Katharine J. Ralph, and Rita C. McAvoy for the minority of Health and Welfare.

Rep. Daniell moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Reps. Blanchette, Nighswander, Murray and Helen Wilson spoke against the motion.

Reps. Nemzoff-Berman and Carpenito spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 245 NAYS 100

YEAS 245

BELKNAP: Bordeau, Bowler, Gary Dionne, Hanson, Hildreth, Lawton and Sanders.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Crane, Daniel Eaton, Kohl, Ladd, Matson, Miller, Moore, Nims, Poanessa, Margaret Ramsay, Russell, Scranton and Jean White.

COOS: Brungot, Burns, Chappell, Horton, Hunt, George Lemire, Oleson, Willey, Wiswell and York.

GRAFTON: Ira Allen, Chambers, Christy, Clark, Dearborn, Foster, Michael King, Logan, Low, Mann, McAvoy, Pepitone, Rounds, Seely, Snell, Taffe, Thomson, Walter and Andrew Ware.

HILLSBOROUGH: Aubut, Baker, Wilfrid Boisvert, Bosse, Brack, Burkush, Carswell, Yvette Chagnon, Compagna, Corey, Craig, Catherine-Ann Dav, L. Penny Dion, Dolbec, Dreniak, Beverly Dupont, Joseph Eaton, Gelinas, Girolimon, Granger, Sal Grasso, Guidi, Hardy, Heald, Hendrick, Howard Humphrey, Jamrog, Kaklamanos, Karnis, Keefe, Labombarde, Roland Lemire, Levesque, Madigan, Martel, Martineau, Mazur, Morrison, Mulligan, Naro, Nemzoff-Berman, Odell, Pappas, Aime Paradis, Peter Parady, Pastor, Perkins, Peters, Plomaritis, Podles, Polak, David Ramsav, Peter Ramsev, Record, Reidy, Richards, Paul Riley, Roy, Sallada, Edward Smith, Soucy, Spiro, Stahl, Stvlianos, James Sullivan, Thibeault, Vachon, Wallace, Wallin, Eliot Ware, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Alløver, Ayles, Blakenev, Rodi, Carroll, John Cate, Milton Cate, Daniell, Hill, Holliday, James Humphrey, Kidder, LaBranche, Mitchell, Nichols, O'Neill, Ralph, Randlett, Selway, Shepard, Stio, Stockman, Stokes, Rick Trombly, Underwood, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Appel, Bisbee, Blake, Butler, Marilyn Campbell, Carpenito, Collins, Patricia Cote, Dunfee, Ellvson, Joseph Flynn, Beverly Gage, Gibbons, Gould, Griffin, Jackson, Kane, Kashulines, Roger King, Kozacka, Krasker, Landry, Lavcock, Leslie, LoFranco, Loveiov, McEachern, Nelson, Newman, Pantelakos, Parolise, Parr, Peterson, Pevear, Pucci, Quimby, Reese, Rogers, Scamman, Schwaner, Skinner, Freda Smith, Splaine, Svtex, Tavitian, Tufts, Vartanian, Warburton, Woinowski and Woodman.

STRAFFORD: Ronald Chagnon, Demers, DeNafio, Drew, Farnham, Charles Grassie, Dianne Hercek, Joos, Lessard, Maglaras, Morrisette, Prav, Preston, Dennis Ramsev, Robinson, Sackett, Schreiber, Tripp, Vallev, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Edmund Belak, Brodeur, Cutting, D'Amante, Domini, Sim Grav, LeBrun, Lucas, Palmer, Spanos, Spaulding and Wiggins.

NAYS 100

BELKNAP: Beard, Birch, French, Mansfield, Morin, Nighswander and Sabhow.

CARROLL: Heath, Howard and Towle.

CHESHIRE: Baybutt, Jesse Davis, Ernst, Lynch, O'Connor, Proctor and Vrakatitsis.

COOS: Elmer Reaulac, Fortier, Guay, Bradley Havnes, Mayhew and Alcide Valliere.

GRAFTON: Aldrich, Buckman, George Gate, Copenhaver, Crory, Lowmes, McIver, Ward and Wood.

HILLSBOROUGH: Ainlev, Archambault, Corser, Donovan, Gabrielle Gagnon, Nancy Gagnon, Hall, Head, Healy, Milton Meyers, Morgan, Murrav, Nardi, Proulx, Silva, Steiner, Francis Sullivan, Rock Tremblay, Van Loan, Weaver and M. Arnold Wight.

MERRIMACK: Bellerose, Bibbo, Laurent Boucher, Clements, Colby, Epstein, Locke, McLane, Paire, Doris Rilev, William Roberts, Trachy and Wiviott.

ROCKINGHAM: Blanchette, William Boucher, Cahill, Connors, Roy Davis, Robert Day, Flanagan, Carl Gage, Greene, Hoar, Keenan, Joseph MacDonald, Norman Myers, Newell, Schmidtchen, Sticknev, Stimmell, Vlack and Helen Wilson.

STRAFFORD: Burchell, Canney, Donnelly, Gauvin, Gosselin, James Herchek, Meader, Nadeau, Pine, Donald Smith and Winklev.

SULLIVAN: David Campbell, Townsend, Tucker and Williamson, and the motion was adopted.

Question being on the substituted committee report, Inexpedient to Legislate. Resolution adopted.

HB 256, requiring a mandatory sentence of 10 days for a conviction of operating a motor vehicle under the influence of intoxicating liquor or any controlled drug. Inexpedient to Legislate.

Subject matter is addressed in HB 348. Committee vote was 12-0. Rep. Minnie F. Carswell for Judiciary.

Resolution adopted.

HB 348, modifying the criminal classification of operating a motor vehicle under the influence of alcohol or controlled drugs. Ought to Pass with Amendment.

HB 348, as amended, now includes part of HB 356. It is now proposed as an act relative to strengthening the DWI laws. Committee vote was 12-0. Rep. Minnie F. Carswell for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to strengthening
the DWI laws.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Operating Motor Vehicle While Under the Influence of Liquor or Drugs. Amend RSA 262-A:62 (supp) as amended by striking out said section and inserting in place thereof the following:

262-A:62 Intoxication or Under Influence of Drugs.

I. Any person who shall be convicted of operating or attempting to operate a motor vehicle upon any way while under the influence of intoxicating liquor or any controlled drug shall, notwithstanding the provisions of Title LXII, be guilty of a violation and fined not more than \$1,000, and his license shall be revoked for a period not less than 60 days, and, at the discretion of the court, for a period not to exceed 2 years. Upon conviction based on a complaint which alleges that the person has had a prior conviction in this state or another state and said prior conviction is proven and was within the 7 years preceding the date of the second offense, such person shall be guilty of a misdemeanor and shall, notwithstanding the provisions of RSA Title LXII, be sentenced to imprisonment for a period of 7 days and fined not more than \$1,000. Further, the license of said person shall be revoked and he shall be ineligible for a license for the next 3 calendar years.

II. Upon a conviction under the provisions of paragraph I, the state shall present to the court a certified copy of the defendant's motor vehicle record. Failure to produce such a record shall be presumed to mean that such a record is non-existent.

2 Refusal to Submit to a Chemical Test. Amend RSA 262-A:69-e as inserted by 1965, 328:1 as amended by striking out said section and inserting in place thereof the following:

262-A:69-e Refusal of Consent. If a person under arrest refuses upon the request of a law enforcement officer to submit to a chemical test designated by the law enforcement officer as provided in RSA 262-A:69-a, none shall be given, but the director of the division of motor vehicles, upon the receipt of a sworn report of the law enforcement officer containing the following: (1) that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor or controlled drugs; (2) the facts upon which the reasonable grounds to believe such are based; (3) that the person had been arrested; (4) that the person has refused to submit to the test upon the request of the law enforcement officer; (5) that he informed the arrested person of his right to have a similar test or tests conducted by a person of his own choosing, and (6) that he informed the arrested person of the fact that refusal to permit the test will result in revocation of his license, shall revoke his license to drive or nonresident operating privilege for a period of 120 days; or if the person is a resident without a license or permit to operate a motor vehicle in this state, the director of the division of motor vehicles shall deny to the person the issuance of a license for a period of 120 days after the date of the alleged violation, subject to review as hereinafter provided.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Bosse explained the committee report and yielded to questions.

Reps. David Campbell and Carswell spoke in favor of the committee report.

Rep. Spanos spoke against the committee report.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 233 NAYS 117

YEAS 233

BELKNAP: Beard, Birch, Bordeaux, Garv Dionne, French, Mansfield, Morin and Sanders.

CARROLL: Roderick Allen, Chase, Heath, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Callahan, Crane, Jesse Davis, Daniel Eaton, Ernst, Kohl, Ladd, Matson, O'Connor, Margaret Ramsay, Vrakatisis and Jean White.

GOOS: Brungot, Burns, Chappell, Fortier, Guav, Bradley Haynes, Horton, Oleson, Alcide Valliere, Willey and Wiswell.

GRAFTON: Aldrich, Ira Allen, George Cate, Christy, Dearborn, Foster, Michael King, Logan, Low, Lowmes, Mann, McAvoy, McIver, Pepitone, Rounds, Seely, Snell, Taffe, Thomson, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainlev, Archambault, Aubut, Bosse, Brack, Carswell, Compagna, Joseph Cote, Craig, L. Pennv Dion, Dolbec, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Gelinaz, Granger, Sal Grasso, Guidi, Hall, Head, Heald, Hendrick, Howard Humphrey, Jamrog, Kaklamanos, Karnis, Keefe, Levesque, Madigan, Martel, Mazur, Morgan, Morrison, Murray, Naro, Nemzoff-Berman, Pappas, Aime Paradis, Peter Parady, Pastor, Perkins, Peters, Plomaritis, Podles, Polak, David Ramsay, Record, Richards, Paul Riley, Roy, Sallada, Stahl, Steiner, Stvilanos, Rock Tremblay, Van Loan, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Allgeyer, Ayles, Bellerose, Ribbo, Carroll, John Cate, Milton Cate, Clements, Colby, Daniel, Hill, James Humphrey, Kidder, Locke, McLane, Nichols, Randlett, Doris Riley, Stio, Stockman, Stokes, Rick Tromblv, Underwood, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Appel, Bisbee, Blake, William Boucher, Butler, Cahill, Collins, Patricia Cote, Roy Davis, Robert Day, Ellvson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Griffin, Hoar, Jackson, Kane, Roger King, Kozacka, LoFranco, Loveiov, Joseph MacDonald, Norman Myers, Nelson, Newell, Parolise, Parr, Pevear, Quimby, Reese, Rogers, Scamman, Schmidtchen, Schwaner, Skinner, Freda Smith, Stickney, Stimmell, Svtek, Tufts, Vartanian, Vlack, Warburton, Helen Wilson and Woodman.

STRAFFORD: Burchell, Demers, DeNafio, Donnelly, Farnham, Gauvin, Gosselin, Charles Grassie, Dianne Herchek, James Herchek,

Lessard, Maglaras, Meader, Morrisette, Nadeau, Pine, Prav, Preston, Dennis Ramsey, Robinson, Sackett, Schreiber, Donald Smith, Valley, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: David Campbell, Cutting, Domini, Sim Gray, Palmer, Spaulding, Tucker and Williamson.

NAYS 117

BELKNAP: Hanson, Hildreth, Lawton, Nighswander and Sabhow.

CARROLL: Desiardins, Howard and Towle.

CHESHIRE: Baybutt, Miller, Moore, Nims, Poanessa, Proctor, Russell and Scranton.

GOOS: Elmer Beaulac, Bouchard, Hunt, George Lemire, Mayhew and York.

GRAFTON: Buckman, Chambers, Clark, Copenhaver, Grorv, LaMott and Walter.

HILLSBOROUGH: Baker, Burkush, Yvette Chagnon, Gorev, Corser, Catherine-Ann Dav, Drenniak, Beverly Dupont, Gabrielle Gagnon, Girolimon, Healy, Lahombarde, Lamv, Roland Lemire, Marcoux, Martineau, Milton Mevers, Mulligan, Nardi, Odell, Proulx, Peter Ramsey, Reidy, Silva, Edward Smith, Leonard Smith, Soucy, Spiro, Francis Sullivan, James Sullivan, Thibeault, Vachon, Wallace, Wallin, Robert Wheeler, James J. White and Zaidel.

MERRIMACK: Laurent Boucher, Epstein, Holliday, LaBranche, Mitchell, O'Neill, Paire, Ralph, William Roberts, Selway, Shepard, Gerald Smith and Trachy.

ROCKINGHAM: Aeschliman, Benton, Blanchette, Carpenito, Connors, Dunfey, Kashulines, Keenan, Krasker, Landrv, Lavcock, Leslie, McEachern, Newman, Pantelakos, Peterson, Pucci, Splaine, Tavitian and Woinowski.

STRAFFORD: Cannev, Ronald Chagnon, Drew, Joos, Tripp and Winklev.

SULLIVAN: Edmund Belak, Brodeur, D'Amante, LeBrun, Lucas, Spanos and Wiggins, and the committee report was adopted.

Rep. Soucy notified the Clerk that he inadvertently voted nay and meant to vote yea.

Ordered to third reading.

Rep. Townsend notified the Clerk that she wished to be recorded in favor of HR 348.

The Speaker introduced Mr. Russell Marshall, a member of the Parliament of New Zealand, who addressed the House briefly:

Thank you, Mr. Speaker. The only thing I want to say is that I seem to have more respect in this chamber than I have in my own. And certainly, having read your papers for today, I want to declare at the outset that I am not running for President and I shall not be making a private political statement.

I am very glad to be here and to bring you the greetings of the legislature of my own Parliament in New Zealand. We have only

92 members, but can I just draw some interesting comparisons between what you have been doing today and what we are doing. Our Parliament serves for three years. It's pretty well full-time, and I guess I can say this now (I couldn't say it earlier in the afternoon) -- our salaries are now \$18,000 a year and we're not fixed by a figure, fortunately, set 90 years ago. So at one point during the afternoon, I was very glad I was in New Zealand and not in New Hampshire.

You are discussing matters which are very relevant to many other parts of the world and the debate which you have just had I have taken notice of with particular interest because there is a growing conscience in our community, even amongst the politicians who are sometimes known for imbibing a bit too much before they drive. There is a growing social conscience about the road toll and I already made a note as I was taking notes in the gallery to try to get some more information about what you have been doing today.

I was fascinated also by the ERA debate and by the presence of a number of lobbyists around. I am interested in the way in which your lobbyists have to be identified. It would perhaps be a useful thing in our country if we made people wear a particular label so that we knew who we were talking to and what they were there for.

The most interesting thing, however, which I have learned is the thing which I find you call a "parliamentary inquiry". When I go home -- we would call it an "inquiry"; in fact, we'd call it a "point of order" -- and if anybody from the New Hampshire legislature comes to New Zealand, don't be surprised if the Minority Whip (which is myself) starts raising a parliamentary inquiry directing his supporters how to vote. It's a very valuable exercise, I think, and I've learned a great deal from that. I contend that when we have our annual abortion debate, which we seem to have every year, that particular form of parliamentary behavior would be very helpful at 4:00 in the morning when the sheep come in for the roll count to direct them which way to go -- although I have a suspicion that in that particular kind of debate, we have people who are strongly on one side and strongly on the other side, and the others, I suspect, take it in turns and vote "yes" this time and "no" next time. It's always easier, in my view, to be quite sure what you want to do beforehand.

I am in my third term in the Parliament. I represent an electorate which is roughly 120 miles north of the capital, Wellington. We have pretty close relationships with other Commonwealth countries and with your federal parliament in Washington but not enough with state parliaments such as your own.

We have 92 people, as I said before, but we spend a great deal more time talking than you do. An effort to restrict debate to 30 minutes as you have done here this afternoon wouldn't succeed in our parliament, and having sat and listened to you for three hours, I think it's unfortunate that we don't do what you do. We'd get on with the real business of governing the country a lot more effectively than we do.

So, I want to express my appreciation to you, Mr. Speaker, for giving me the opportunity to be with you this afternoon and to speak on the floor of your House. That's a right that I have never seen exercised in our parliament and it's an honor that I very greatly appreciate. Thank you for the chance to be with you and to speak with you and to learn some things of considerable value -- not just the "inquiry" which I've heard from time to time. Thank you.

Rep. Spiro moved that Mr. Marshall's remarks be printed in the House Journal.
Unanimously adopted.

COMMITTEE REPORTS (cont.)

HB 167, relative to pistol permits.
Ought to Pass with Amendment.

This bill is a definite accomplishment in the area of crime prevention. The bill allows "handgun permit issuers" (Chiefs of Police, Board of Selectmen, State Police) fourteen days to process applications for permits to carry concealed handguns; existing statute allows only seven days. In addition, the Director of State Police will develop and distribute to issuing authorities a "standard application form for handgun permit," which will further assist the issuing authorities. Applicants for permits will benefit by having an avenue of appeal in event their application is denied, and holders of permits which have been revoked will be able to appeal the revocation. Their first appeal must be to the issuing authority, and if the appeal is turned down by the issuing authority, they may appeal to the local district or municipal court. Lastly, the permit fee finally falls a victim to inflation, in that the fee is raised from \$2.00 (established in 1959) to \$4.00. Committee vote was 10-0. Rep. Irvin H. Gordon for Public Protection and Veterans' Affairs.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 License. Amend RSA 159:6 (supp) as amended by striking out said section and inserting in place thereof the following:

159:6 License to Carry. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of said town or city, or the director of state police, or some person designated by him, upon application of a non-resident, shall issue a license to such applicant authorizing him to carry a loaded pistol or revolver in this state for not more than 2 years from the date of issue, if it appears that the applicant has good reason to fear injury to his person or property or has any proper purpose, and that he is a suitable person to be licensed. Hunting or target shooting

shall be considered a proper purpose. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for 7 years. The license shall be issued within 14 days after application therefor, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy thereof kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$4, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out-of-state residents shall be \$10, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and to supply the same to officials of the cities and towns authorized to issue said licenses. The cost of said forms shall be paid out of the fees received from nonresident licensees.

2 Suspension, Revocation and Appeal. Amend RSA 159 by inserting after section 6 the following new sections:

159:6-a Suspension or Revocation of License.

I. The issuing authority may order a license to carry a loaded pistol or revolver issued to any person pursuant to RSA 159:6 to be suspended or revoked for just cause, provided written notice of the suspension or revocation and the reason therefore is given to the licensee. A licensee whose license has been suspended or revoked shall be permitted a hearing on such suspension or revocation if a hearing is requested by the licensee to the issuing authority within 7 days of the suspension or revocation.

II. When the licensee hereunder ceases to be a resident of the community in which the license was issued he shall notify in writing the issuing authority at his new place of residence that he has a current license. Such license shall remain in effect until it expires pursuant to RSA 159:6.

159:6-b Appeal from Denial, Suspension or Revocation. Any person whose application for a license to carry a loaded pistol or revolver has been denied pursuant to RSA 159:6 or whose license to carry a loaded pistol or revolver has been suspended or revoked pursuant to RSA 159:6-a may within 30 days thereafter, petition the district or municipal court in the jurisdiction in which such person resides to determine whether the petitioner is entitled to a license. The court shall conduct a hearing within 14 days after receipt of the petition and shall issue its decision not later than 14 days after the hearing on whether the petitioner is entitled to a license.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 228, relative to highway route 38 in Salem and Pelham. Inexpedient to Legislate. The Committee voted that although this bill was inexpedient to legislate it is requesting that this problem be addressed by the Wilber Smith Associates in the next few months along with the problem areas in Stratham, Laconia and Merrimack. The Department of Public Works and Highways will submit a report and recommendations within six months. Vote was 13-5. Rep. James J. White for Public Works.

Rep. Freda Smith moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Reps. Leslie, Plomaritis and Collins spoke against the motion.

Reps. Marilyn Campbell and Beverly Gage spoke in favor of the motion.

Rep. James J. White spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 130 NAYS 183

NAYS 183

BELKNAP: Birch, Bowler, Mansfield, Morin and Sanders.

CARROLL: Roderick Allen, Dickinson, Heath, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Baybutt, Jesse Davis, Daniel Eaton, Matson, Nims, Vrakatisis and Jean White.

COOS: Elmer Beaulac, Burns, Bradley Havnies, George Lemire, Mayhew and Oleson.

GRAFTON: Aldrich, Christy, Low, Mann, McAvoy, Rounds, Seely, Thomson, Walter and Ward.

HILLSBOROUGH: Ainley, Aubut, Burkush, Carswell, Corev, Craig, L. Penny Dion, Drewniak, Gabrielle Gagnon, Granger, Head, Heald, Lefehvre, McDonough, Murray, Nardi, Odell, Proulx, Record, Reidy, Rov, Stahl, Francis Sullivan, James Sullivan, Rock Tremblay, Welch, Robert Wheeler and Zajdel.

MERRIMACK: Allgever, Ayles, Bellerose, John Cate, Clements, Holliday, Kidder, Mitchell, Nichols, Randlett, Doris Rilev, Shepard, Rick Trombly, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Bisbee, Blake, William Boucher, Marilyn Campbell, Carpenito, Patricia Cote, Roy Davis, Ellyson, Felch, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Griffith, Kashulines, Roger King, Krasker, Landry, LoFranco, Lovejoy, Nelson, Newell, Parolise, Peterson, Pevear, Pucci, Rogers, Scamman, Freda Smith, Splaine, Stimmell, Sytek, Tavitian, Tufts, Helen Wilson and Woodman.

STRAFFORD: Canney, Donnelly, Drew, Gauvin, Maglaras, Dennis Ramsev, Sackett, Tripp and Whitehead.

SULLIVAN: Brodeur, Cutting, Lucas, Spanos and Spaulding.

NAYS 183

BELKNAP: Beard, Bordeaux, Gary Dionne, French, Hanson, Lawton and Sabbow.

CARROLL: Chase, Desiardins and Towle.

CHESHIRE: Callahan, Crane, Kohl, Ladd, Lynch, O'Connor, Proctor, Margaret Ramsav, Russell and Scranton.

COOS: Bouchard, Chappell, Fortier, Horton, Hunt, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Gate, Clark, Crorv, Dearborn, Foster, Michael King, LaMott, Logan, Lowmes, Pepitone, Snell, Taffe, Andrew Ware and Wood.

HILLSBOROUGH: Archambault, Baker, Wilfrid Boisvert, Bosse, Brack, Yvette Chagnon, Compagna, Joseph Cote, Catherine-Ann Day, Dolbec, Beverly Dupont, Clyde Eaton, Joseph Eaton, Nancv Cagnon, Gelinas, Girolimon, Sal Grasso, Guidi, Hall, Healv, Hendrick, Howard Humphrey, Jamrog, Karnis, Keefe, Labombarde, Lamy, Roland Lemire, Marcoux, Martel, Martineau, Mazur, Milton Meyers, Morgan, Morrison, Mulligan, Naro, Nemzoff-Berman, Pappas, Peter Parady, Perkins, Peters, Plomaritis, Podles, Polak, David Ramsav, Richards, Paul Rilev, Sallada, Silva, Soucy, Stylianos, Thibeault, Vachon, Van Loan, Wallace, Wallin, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Bibbo, Laurent Boucher, Carroll, Milton Cate, Colbv, Daniell, Epstein, James Humphrey, Locke, Paire, Ralph, William Roberts, Selway, Gerald Smith, Stockman, Stokes, Trachy and Waters.

ROCKINGHAM: Appel, Blanchette, Butler, Cahill, Collins, Connors, Dunfey, Flanagan, Greene, Hoar, Jackson, Kane, Kozacka, Laycock, Leslie, Joseph MacDonald, McEachern, Norman Myers, Pantelakos, Parr, Quimby, Reese, Schmidtchen, Schwaner, Skinner, Stickney, Vlack, Warburton and Woinowski.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Gosselin, Charles Grassie, Joos, Lessard, Meader, Morrisette, Nadeau, Pine, Prav, Preston, Robinson, Schreiber, Vallev, Allen Wilson and Winkley.

SULLIVAN: Edmund Belak, David Campbell, D'Amante, Sim Grav, LeBrun, Palmer, Townsend, Tucker, Wiggins and Williamson, and the motion failed.

Question being on the adoption of the committee report.

Resolution adopted.

HB 406, providing free access to interstate 95 from route 51 and making an appropriation therefor. Refer to the Committee on Public Works for Interim Study.

The Public Works Committee requests that

this bill be referred to Interim Study along with HB 463 and HB 228. The reason being that the Wilber Smith Associates will be in the State this summer performing surveys and the Department of Public Works and Highways will be doing traffic analysis this summer. The Department of Public Works and Highways will submit a report and recommendations within six months. Vote was 14-1. Rep. Joseph L. Parolise for Public Works.

Rep. Scamman moved that the words, Ought to Pass, be substituted for the committee report, Refer to the Committee on Public Works for Interim Study, and spoke to his motion.

Reps. James White, Martineau and Bibbo spoke against the motion.

Reps. Tufts, Spirou and Dunfey spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 230 NAYS 104

YEAS 230

BELKNAP: Bordeaux, Bowler, Hildreth, Lawton, Mansfield, Nighswander and Sanders.

CARROLL: Chase, Desiardins, Dickinson, Heath, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Raybutt, Crane, Jesse Davis, Daniel Eaton, Ladd, Lynch, Miller, Moore, Nims, Poanessa, Proctor, Vrakatitsis and Jean White.

COOS: Bouchard, Brungot, Burns, Chappell, Guay, Bradley Havnes, Horton, Hunt, George Lemire, Mavhew and Alcide Valliere.

GRAFTON: Aldrich, Ira Allen, Buckman, George Gate, Chambers, Christv, Clark, Copenhaver, Crorv, Foster, Michael King, Low, Mann, McAvoy, McIver, Rounds, Seelv, Snell, Taffe, Thomson, Walter, Ward and Wood.

HILLSBOROUGH: Ainlev, Burkush, Corser, Craig, Catherine-Ann Day, Dolbec, Drewniak, Beverly Dupont, Joseph Eaton, Sal Grasso, Guidi, Hall, Head, Healv, Hendrick, Howard Humphrey, Jamrog, Kaklamanos, Karnis, Keefe, Labombarde, Lamy, Lefebvre, Roland Lemire, Levesque, Marcoux, McDonough, Mulligan, Murrav, Nemzoff-Berman, Odell, Pappas, Aime Paradis, Pastor, Plomaritis, Polak, Proulx, Peter Ramsev, Record, Reidv, Richards, Paul Rilev, Roy, Silva, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Steiner, Stylianos, Francis Sullivan, James Sullivan, Rock Tremblav, Vachon, Wallace, Eliot Ware, Weaver, Welch, Kenneth Wheeler, Robert Wheeler and Zaidel.

MERRIMACK: Avles, Laurent Boucher, Carroll, John Cate, Epstein, Hollidav, James Humphrey, Kidder, McLane, Mitchell, Nichols, O'Neill, Paire, Ralph, Randlett, Selway, Shepard, Gerald Smith, Stockman, Rick Tromblv, Ernest Valliere and Waters.

ROCKINGHAM: Appel, Bishee, Blake,

Blanchette, Butler, Cahill, Marilyn Campbell, Carpenito, Collins, Connors, Roy Davis, Robert Day, Dunfev, Felch, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Greene, Griffin, Jackson, Kane, Kashulines, Keenan, Roger King, Kozacka, Krasker, Laycock, LoFranco, Joseph MacDonald, Nelson, Pantelakos, Parr, Peterson, Pevear, Pucci, Quimby, Reese, Rogers, Scamman, Schmidtchen, Schwaner, Skinner, Freda Smith, Splaine, Sticknev, Stimmell, Svtelk, Tavitian, Tufts, Warburton, Helen Wilson, Woinowski and Woodman.

STRAFFORD: Canney, Ronald Chagnon, DeNafio, Farnham, Gosselin, Charles Grassie, Dianne Herchek, James Herchek, Joos, Lessard, Morrisette, Pine, Prav, Dennis Ramsey, Sackett, Schreiber, Tripp, Valley, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Brodeur, David Campbell, Cutting, Sim Grav, LeBrun, Spanos, Spaulding, Townsend and Williamson.

NAYS 104

BELKNAP: Beard, Birch, Garv Dionne, French, Hanson and Morin.

CARROLL: Roderick Allen and Keller.

CHESHIRE: Callahan, Ernst, Kohl, O'Connor, Russell and Scranton.

COOS: Elmer Reaulac, Fortier, Oleson, Willey, Wiswell and York.

GRAFTON: Dearborn, LaMott, Logan, Lowmes, Pepitone and Andrew Ware.

HILLSBOROUGH: Archambault, Aubut, Wilfrid Boisvert, Brack, Carswell, Yvette Chagnon, Compagna, Corey, Joseph Cote, L. Penny Dion, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Heald, Martel, Martineau, Mazur, Milton Meyers, Morgan, Nardi, Naro, Peter Paradv, Perkins, Peters, Podles, Sallada, Thiheault, Van Loan, Wallin, Emma Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Allgever, Bellerose, Bibbo, Clements, Colby, Daniell, LaBranche, Locke, Doris Riley, William Roberts, Trachy and Wiviott.

ROCKINGHAM: Aeschliman, Benton, William Boucher, Patricia Cote, Ellyson, Flanagan, Gould, Hoar, Landrv, Leslie, Lovejoy, McEachern, Norman Myers, Newell, Parolise, Vartanian and Vlack.

STRAFFORD: Donnelly, Drew, Gauvin, Maglaras, Meader, Nadeau, Preston, Robinson and Winklev.

SULLIVAN: Edmund Belak, Domini, Lucas, Palmer, Tucker and Wiggins, and the motion was adopted.

Question being on the substituted committee report, Ought to Pass.

Adopted.

Referred to Appropriations.

HB 60, to increase the discounts allowed on the prices of liquor and wine sold to hotels and clubs by the liquor commission. Ought to Pass with Amendment.

This bill increases the 5 per cent discount presently allowed on the wholesale purchases of liquor to 10 per cent and the amendment extends the same 10 per cent discount for the purchase of wine. All purchases must be in case lots only from the liquor warehouse. Vote was 18-0. Rep. Kathleen W. Ward for Regulated Revenues.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

increasing the discount in sales of liquor and wine to on-sale licensees.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Alcoholic Beverages. Amend RSA 176:10-a as inserted by 1955, 286:9 by striking out said section and inserting in place thereof the following:

176:10-a Discount on Sales to On-Sale Licensees. The commission shall allow a discount of not more than 10 percent of the retail price on liquor including wine as defined in RSA 178-A:1 to on-sale licensees who purchase in full case lots from the commission offices.

2 Effective Date. This act shall take effect August 6, 1979.

Amendment adopted.

Rep. Ward spoke in favor of the committee report and yielded to questions. Rep. Krasker offered an amendment.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Alcoholic Beverages. Amend RSA 176:10-a by striking out said section and inserting in place thereof the following:

176:10-a Discount on Sales to On-Sale Licensees. The commission shall allow a discount of not more than 10 percent of the retail price on distilled spirits and wines of over 14 percent alcoholic content by volume at 60 degrees Fahrenheit to on-sale licensees who purchase in full case lots from the commission offices. The commission shall allow a discount of not more than 25 percent of the retail price of wines of 14 percent alcoholic content by volume at 60 degrees Fahrenheit to on-sale licensees who purchase in full case lots from the commission offices.

Rep. Krasker spoke to her amendment.

Reps. Jean White, Meyers and Tucker spoke against the amendment.

Reps. Griffin, Spirov and Kenneth Smith spoke in favor of the amendment.

Rep. O'Neill requested a roll call. Sufficiently seconded.

(Speaker presiding)
YEAS 105 NAYS 234
YEAS 105

BELKNAP: Birch, Bowler, Garv Dionne,
French, Lawton and Sabbow.

CARROLL: Roderick Allen, Desiardins,
Dickinson, Howard, Keller, Kenneth Smith and
Towle.

CHESHIRE: Lvnch, Matson, Nims and Poanessa.

COOS: Guay and York.

GRAFTON: Aldrich, Chambers, McAvov,
Pepitone, Seelv, Taffe and Walter.

HILLSBOROUGH: Aubut, Burkush, Corey,
Catherine-Ann Dav, L. Penny Dion, Beverly
Dupont, Guidi, Healy, Kaklamanos, Lamv,
Lefebvre, Roland Lemire, Mulligan,
Nemzoff-Berman, Pappas, Proulx, Peter
Ramsev, Reidy, Roy, Soucv, Spirou, James
Sullivan, Wallin, Robert Wheeler, James J.
White and Zajdel.

MERRIMACK: Ayles, Blakeney, Holliday,
Mitchell, O'Neill, Paire, William Roberts,
Selway, Gerald Smith and Stokes.

ROCKINGHAM: Aeschliman, Appel, Blanchette,
Cahill, Carpenito, Collins, Connors, Dunfey,
Beverly Gage, Griffin, Jackson, Keenan,
Roger King, Krasker, Landrv, Lavcock,
Leslie, LoFranco, Joseph MacDonald,
Pantelakos, Peterson, Pucci, Reese, Freda
Smith, Splaine, Stimmell, Tavitian and
Wojnowski.

STRAFFORD: Burchell, DeNafio, Drew,
Farnham, Gauvin, Dianne Herchek, James
Herchek, Lessard, Maglaras, Morrisette, and
Allen Wilson.

SULLIVAN: Edmund Belak, Brodeur, David
Campbell and Spanos.

NAYS 234

BELKNAP: Beard, Bordeaux, Hanson, Mansfield,
Morin, Nighswander and Sanders.

CARROLL: Chase, Heath and Kenneth MacDonald.

CHESHIRE: Baybutt, Callahan, Crane, Jesse
Davis, Daniel Eaton, Ernst, Kohl, Ladd,
Miller, Moore, O'Connor, Proctor, Margaret
Ramsav, Russell, Scranton, Vrakatitsis and
Jean White.

COOS: Elmer Beaulac, Bouchard, Brungot,
Burns, Chappell, Fortier, Bradley Haynes,
Horton, Hunt, George Lemire, Oleson, Alcide
Valliere, Willey and Wiswell.

GRAFTON: Ira Allen, Buckman, George Cate,
Christy, Clark, Copenhaver, Crorv, Dearborn,
Foster, Michael King, LaMott, Logan, Low,
Lowmes, Mann, McIver, Rounds, Snell,
Thomson, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Archambault, Wilfrid
Boisvert, Bosse, Brack, Carswell, Yvette
Chagnon, Compagna, Corser, Joseph Cote,
Dolbec, Drenniak, Clyde Eaton, Joseph Eaton,

Gabrielle Gagnon, Nancy Gagnon, Gelinas,
Granger, Sal Grasso, Hall, Head, Heald,
Hendrick, Howard Humphrev, Jamrog, Karnis,
Keefe, Labombarde, Levesque, Martel,
Martineau, Mazur, Milton Mevers, Morgan,
Morrison, Murrav, Nardi, Naro, Odell, Aime
Paradis, Peter Parady, Pastor, Perkins,
Peters, Plomaritis, Podles, Polak, David
Ramsay, Record, Paul Rilev, Sallada, Silva,
Edward Smith, Leonard Smith, Stahl, Steiner,
Stvlianos, Francis Sullivan, Thibeault, Rock
Tremblav, Vachon, Van Loan, Wallace, Eliot
Ware, Weaver, Welch, Emma Wheeler, Kenneth
Wheeler and M. Arnold Wight.

MERRIMACK: Allgever, Bellerose, Bibho,
Laurent Roucher, Carroll, John Cate, Milton
Cate, Clements, Colbv, Daniell, Epstein,
James Humphrey, Kidder, LaBranche, Locke,
McLane, Nichols, Ralph, Randlett, Doris
Riley, Shepard, Stio, Stockman, Trachv, Rick
Trombly, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Benton, Bisbee, Blake, William
Boucher, Butler, Marilyn Campbell, Patricia
Cote, Roy Davis, Robert Day, Ellyson, Felch,
Flanagan, Joseph Flynn, Carl Gage, Gibbons,
Gould, Greene, Hoar, Kane, Kashulines,
Kozacka, Loveioy, McEachern, Norman Myers,
Nelson, Newell, Parolise, Parr, Pevear,
Quimby, Rogers, Scamman, Schmidtchen,
Schwaner, Skinner, Sticknev, Sutek, Tufts,
Vartanian, Vlack, Warburton, Helen Wilson
and Woodman.

STRAFFORD: Cannev, Ronald Chagnon,
Donnelly, Gosselin, Charles Grassie, Joos,
Meador, Nadeau, Pine, Prav, Preston, Dennis
Ramsey, Robinson, Sackett, Schreiber, Donald
Smith, Tripp, Valley, Vaughan, Whitehead and
Winklev.

SULLIVAN: Cutting, D'Amante, Domini, Sim
Grav, LeBrun, Lucas, Palmer, Townsend,
Tucker, Wiggins and Williamson, and the
amendment lost.

Referred to the joint Committees on Ways
and Means and Appropriations.

HB 170, increasing the minimum age for
purchase; sale and consumption of alcoholic
beverages to 21 years. Inexpedient to
Legislate.

Subject matter will be covered by
another bill. Vote was 16-2. Rep.
Kathleen W. Ward for Regulated Revenues.

Rep. Parolise moved that the words,
Ought to Pass, be substituted for the
committee report, Inexpedient to Legislate,
and spoke to his motion.

Rep. Parolise requested a quorum count.
The Speaker declared a quorum present.

Rep. James Humphrey moved that HB 170 be
laid upon the table.
Adopted.

HB 263, increasing the minimum age for
purchase, sale and consumption of alcoholic
beverages to 19 years. Inexpedient to
Legislate.

Subject matter will be covered by
another bill. Vote was 17-1. Rep.
James A. Humphrey for Regulated Revenues.

Rep. James Humphrey moved that HB 263 be laid upon the table.
Adopted.

HB 309, authorizing the water supply and pollution control commission to employ additional assistant chief engineers. Ought to Pass with Amendment.

The two positions created have been held in abeyance until needed by the Commission. That need is now, on the Winnepesaukee River Basin project. No state funds are involved, it is completely funded by Federal Funds under the Clean Water Act. The amendment merely changes effective date to "upon passage" instead of 60 days after. Committee vote was unanimous. Rep. Philip C. Heald, Jr. for Resources, Recreation and Development.

Amendment

Amend the bill by striking out section 5 and inserting in place thereof the following:
5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.
Referred to Appropriations.

HB 154, to increase the exemption from taxation on interest and dividends. Inexpedient to Legislate.

No one appeared in favor of this bill which would have made the interest and dividends exemption (\$600) conform to the federal exemption (\$1,000). Would have lost state \$125,000 a year in revenue. Vote was 14-0. Rep. Susan McLane for Ways and Means.

Rep. Rod Allen moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.
Rep. Wallin spoke against the motion.
Rep. McLane spoke in favor of the motion. Motion lost.
Resolution adopted.

HB 201, reducing the road toll on motor fuel blends containing alcohol derived from agricultural commodities and forest products. Ought to Pass.

The Committee felt that this was an excellent piece of legislation that may well (1) encourage a new industry in New Hampshire, and (2) make a significant contribution in decreasing consumption of gasoline in the State. There was no opposition to the bill during the public hearing. Vote was 14-0. Rep. Bruce C. Rounds for Ways and Means.

Referred to Appropriations.

HB 226, increasing the road toll on motor fuel and fuel other than motor fuel with such proceeds going to a highway maintenance fund. Refer to the Committee on Ways and Means for Interim Study.

The Committee, as a whole is opposed to raising the road toll on motor fuel, however the majority of the Committee feels that a method of sliding scale

road toll should be studied. Such a sliding scale would adjust the road toll in direct relation to the inflationary cost of highway repair and maintenance. Committee vote was 11-3. Rep. Bruce C. Rounds for Ways and Means.

Rep. James J. White moved that the words, Ought to Pass, be substituted for the committee report, Refer to the Committee on Ways and Means for Interim Study, and spoke to his motion.

Reps. Rounds and Wallin spoke against the motion.

Rep. LaMott spoke in favor of the motion.

Rep. Williamson spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 26 NAYS 300
YEAS 26

BELKNAP: Bowler.

CARROLL: Keller.

CHESHIRE: Johnson, Matson and Margaret Ramsav.

COOS: Fortier and Oleson.

GRAFTON: LaMott and Thomson.

HILLSBOROUGH: Brack, Yvette Chagnon, Compagna, Thibeault, James J. White and Zajdel.

MERRIMACK: Bellerose, Bibbo and Clements.

ROCKINGHAM: Norman Myers, Parolise and Woodman.

STRAFFORD: Donnelly, James Herchek, Nadeau and Dennis Ramsev.

SUMMITTAN: Palmer.

NAYS 300

BELKNAP: Beard, Birch, Bordeaux, Garv Dionne, French, Hanson, Hildreth, Lawton, Mansfield, Morin, Nighswander, Sahbow and Sanders.

CARROLL: Roderick Allen, Chase, Desiardins, Dickinson, Heath, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Bavbutt, Callahan, Crane, Jesse Davis, Daniel Eaton, Ernst, Kohl, Ladd, Lynch, Miller, Moore, Nims, O'Connor, Poanessa, Proctor, Russell, Scranton, Vrakatitsis and Jean White.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Chappell, Guay, Bradlev Haynes, Horton, Hunt, George Lemire, Mavhew, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Gate, Chambers, Christv, Clark, Copenhagen, Crorv, Dearhorn, Foster, Logan, Low, Lownes, Mann, McAvoy, McIver, Pepitone, Rounds, Seelv, Snell, Taffe, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Archambault, Aubut, Bosse, Burkush, Carswell, Corey, Corser, Joseph Cote, Craig, Catherine-Ann Dav, L. Penny Dion, Dolbec, Drewniak, Beverly Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Gelinas, Granger, Sal Grasso, Guidi, Hall, Head, Heald, Healy, Hendrick, Howard Humphrev, Jamrog, Karnis, Keefe, Labombarde, Lamy, Lefebvre, Roland Lemire, Levesque, Martel, Martineau, Mazur, Morgan, Morrison, Mulligan, Murray, Nardi, Naro, Nemzoff-Berman, Odell, Pappas, Aime Paradis, Peter Parady, Pastor, Perkins, Peters, Plomaritis, Podles, Polak, Proulx, David Ramsav, Record, Reidy, Roy, Sallada, Silva, Edward Smith, Leonard Smith, Soucy, Stahl, Steiner, Stvlianos, Francis Sullivan, James Sullivan, Rock Tremblav, Vachon, Van Loan, Wallace, Wallin, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Allgever, Ayles, Blakeney, Laurent Boucher, Carroll, John Cade, Milton Gate, Colby, Daniell, Edstein, Holliday, James Humphrev, LaBranche, Locke, McLane, Mitchell, Nichols, O'Neill, Paire, Ralph, Randlett, Doris Rilev, William Roberts, Selway, Shepard, Gerald Smith, Stio, Stockman, Stokes, Trachy, Rick Trombly, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Bisbee, Blake, Blanchette, William Boucher, Butler, Marilvn Campbell, Carpenito, Collins, Connors, Patricia Cote, Roy Davis, Robert Day, Dunfev, Ellyson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Griffin, Hoar, Jackson, Kane, Kashulines, Keenan, Roger King, Kozacka, Krasker, Laycock, Leslie, Lofranco, Lovejoy, Joseph MacDonald, McEachern, Nelson, Newell, Pantelakos, Parr, Peterson, Pevear, Quimby, Reese, Rogers, Scamman, Schmidtchen, Schwaner, Skinner, Freda Smith, Splaine, Sticknev, Stimmell, Sytek, Tavitian, Tufts, Vartanian, Vlack, Warburton, Helen Wilson and Wojnowski.

STRAFFORD: Cannev, Ronald Chagnon, DeNafio, Drew, Farnham, Gauvin, Gosselin, Dianne Herchek, Joos, Lessard, Meader, Morrisette, Pine, Pray, Preston, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Vallev, Vaughan, Whitehead, Allen Wilson and Winkley.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, Cutting, D'Amante, Domini, Sim Gray, LeBrun, Townsend, Tucker, Wiggins, Williamson, and the motion lost.

Referred to the Committee on Ways and Means for Interim Study.

HB 275, amending the business profits tax so as to allow a deduction for foreign taxes withheld on dividends. Inexpedient to Legislate.

Committee vote was 14-0 for Inexpedient to Legislate. It was the unanimous opinion of the Committee that no great hardship was wrought by the imposition of this tax and that it is in accord with the Federal Law. Rep. Eliot B. Ware, Jr. for Ways and Means.

Resolution adopted.

HB 369, granting a business profits tax deduction for certain sellers of rental property. Inexpedient to Legislate.

Vote was 13-0 in favor of Inexpedient to Legislate. HB 369 is probably unconstitutional as it singles out rental property for a tax benefit. In addition, the loss of revenue would be in the vicinity of 1.6 million annually - this represents a loss to the general fund and to the cities and towns. Rep. Jean R. Wallin for Ways and Means.

Resolution adopted.

HB 409, relative to exemptions from the interest and dividends tax. Inexpedient to Legislate.

This bill does not clearly define "not working" and it would appear to discriminate against spinsters, and the divorced or separated. There would also be an unknown loss of revenue to cities and towns. Committee vote was 13-0. Rep. Rose C. Vachon for Ways and Means.

Resolution adopted.

HB 132, prohibiting construction of the Hampton liquor store in the town of Hampton Falls. Inexpedient to Legislate.

This bill was originally reported as Inexpedient to Legislate by a vote of 13-5. The bill was recommitted and reheard in Hampton Falls along with HB 299. The Committee recommendation on this new reconsideration was Inexpedient to Legislate 14-1. Rep. George D. Keller for Public Works.

Rep. Rick Trombly moved that the words, Ought to Pass, be substituted for the committee report. Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Keller, Bibbo, James White and LaMott spoke against the motion.

Reps. Pevear, Dunfev, Blanchette and Parr spoke in favor of the motion.

Rep. Chambers spoke in favor of the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 214 NAYS 113

YEAS 214

BELKNAP: Bordeau, Bowler, Gary Dionne, Lawton, Mansfield, Nighswander and Sabbow.

CARROLL: Roderick Allen, Chase, Desiardins, Dickinson, Heath and Towle.

CHESHIRE: Baybutt, Callahan, Jesse Davis, Ernst, Johnson, Ladd, Lynch, Matson, Miller, Moore, Nims, O'Connor, Poanessa, Proctor, Margaret Ramsav, Russell, Scranton and Vrakatisits.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Chappell, Guav, Bradley Havnes, Hunt, Mayhew, Oleson and Willey.

GRAFTON: Aldrich, Ira Allen, George Gate, Chambers, Clark, Copenhaver, Crory, Michael King, Low, McIver, Seelv, Taffe, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Burkush, Carswell, Corev, Corser, Craig, Catherine-Ann Day, L. Penny Dion, Drewniak, Beverly Dubont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Granger, Guidi, Hall, Hendrick, Karnis, Lefebvre, Milton Meyers, Morgan, Morrison, Mulligan, Nardi, Nemzoff-Berman, Odell, Peters, Plomaritis, Podles, Proulx, Record, Edward Smith, Leonard Smith, Soucy, Stahl, Steiner, Stylianos, Van Loan, Wallace, Wallin, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Allgever, Bellerose, Blakeney, Carroll, John Cate, Colby, Daniell, Epstein, Holliday, Kidder, LaBranche, Mitchell, O'Neill, Packard, Randlett, Doris Riley, Gerald Smith, Stio, Stokes, Trachv and Rick Tromblv.

ROCKINGHAM: Aeschliman, Appel, Benton, Bisbee, Blake, Blanchette, William Boucher, Butler, Cahill, Marilyn Campbell, Collins, Connors, Patricia Cote, Roy Davis, Robert Day, Dunfey, Ellvson, Flanagan, Joseph Flynn, Carl Gage, Gibbons, Gould, Greene, Griffin, Hoar, Jackson, Kane, Kashulines, Keenan, Kozacka, Krasker, Landry, Laycock, Leslie, Lofranco, Lovejoy, Joseph MacDonald, Nelson, Newell, Pantelakos, Parolise, Parr, Peterson, Pevear, Reese, Rogers, Scamman, Schmidchen, Schwaner, Skinner, Freda Smith, Splaine, Sticknev, Stimmell, Sytek, Tavitian, Tufts, Vartanian, Vlack, Warburton, Helen Wilson, Woinowski and Woodman.

STRAFFORD: Ronald Chagnon, DeNafio, Donnelly, Farnham, Gauvin, Gosselin, James Herchek, Joos, Lessard, Maglaras, Meader, Morrisette, Pine, Dennis Ramsey, Robinson, Schreiber, Donald Smith, Tripp, Vallev, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, Cutting, D'Amante, Sim Gray, LeBrun, Townsend and Williamson.

NAYS 113

BELKNAP: Beard, Birch, French, Hanson, Morin and Sanders.

CARROLL: Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Crane, Kohl and Jean White.

COOS: Fortier, Horton, George Lemire, Alcide Valliere, Wiswell and York.

GRAFTON: Buckman, Christy, Dearborn, Foster, LaMott, Logan, Lowmes, Mann, McAvoy, Pepitone, Rounds, Snell and Thomson.

HILLSBOROUGH: Archambault, Aubut, Bosse, Brack, Yvette Chagnon, Compagna, Joseph Cote, Gelinas, Sal Grasso, Head, Heald, Healy, Howard Humphrev, Jamrog, Keefe, Labombarde, Roland Lemire, Levesque, Martel, Martineau, Mazur, Murray, Naro, Aime Paradis, Peter Parady, Pastor, Perkins, Polak, David Ramsav, Reidy, Roy, Sallada, Silva, Francis Sullivan, James Sullivan, Thiheault, Rock Tremblay, Vachon, Eliot Ware, Weaver, Welch, Kenneth Wheeler, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Avles, Bibho, Laurent Boucher, Milton Cate, Clements, James Humphrev, Locke, McLane, Nichols, Paire, Ralph, William Roberts, Selway, Shepard, Stockman, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Carpenito, Felch, Beverly Gage, Roger King, McEachern, Norman Myers and Quimby.

STRAFFORD: Cannev, Drew, Dianne Herchek, Nadeau, Pray, Sackett and Winklev.

SULLIVAN: Domini, Palmer, Tucker and Wiggins, and the motion was adopted.

Question being on the substituted committee report, Ought to Pass.

Adopted.

Ordered to third reading.

HB 299, concerning the location of the liquor store on Interstate 95 and increasing the amounts of funds therefor. Ought to Pass with Amendment.

This bill authorizes the construction of a new liquor store on Route 1-95 on a specific location in Hampton Falls and increases the appropriation for that purpose. The amendment specifies the measures to be taken to separate the state facility from the Town of Hampton Falls. It also provides for giving the surplus acreage not needed by the State to the Town of Hampton Falls to help preserve the integrity of its master plan and zoning code and specifically prohibits any other use but municipal. Vote was 14-1. Rep. George D. Keller for Public Works.

Rep. LaMott moved that HB 299 be made a Special Order for Tuesday, April 10. Adopted.

COMMITTEE REPORTS (cont.)

HB 312, requiring mud flaps on all trucks, including one ton pick-ups. Inexpedient to Legislate.

This bill is unnecessary as it is presently covered under the law that is already on the books. Vote was 14-0. Rep. Elmer H. York for Transportation.

Rep. James White spoke to the committee report.

Resolution adopted.

VACATES

Rep. William Boucher moved that the House vacate the reference of HB 533, eliminating the reduction in teachers' retirement benefits due to receipt of Social Security benefits, to the Committee on Education.

Adopted.

The Speaker referred HB 533 to the Committee on Executive Departments and Administration.

Rep. Tavitian moved that the House vacate the reference of SB 80, to reclassify a certain highway in the town of Conway, to the Committee on Transportation.

Adopted.

The Speaker referred SB 80 to the Committee on Public Works.

SIX-DAY EXTENSIONS GRANTED

HB 295, repealing certain provisions relative to emergency diagnostic detention hearings. (State Institutions)

HB 378, relative to emergency diagnostic detention. (State Institutions)

HB 91, restricting the disposal of high or low level nuclear wastes in the state and within the coastal jurisdiction of the state. (Science and Technology)

HB 267, requiring permission before connecting a self-dialing telephone alarm system to a telephone. (Science and Technology)

HB 363, prohibiting telephone companies from charging a toll for any call placed to another phone within the geographical boundaries of a town. (Science and Technology)

HB 245, relative to commissions on pari-mutuel wagering pools, and taxes thereon. (Regulated Revenues)

HB 364, relative to effective dates for laws which have a municipal fiscal impact. (Special Committee on State-Mandated Programs and Fiscal Notes)

HB 356, requiring a fiscal impact note on legislation having a fiscal impact on a municipality or county. (Special Committee on State-Mandated Programs and Fiscal Notes)

HB 134, relative to certain public utility companies establishing future credit accounts to reimburse customers for payment of certain surcharges. (Commerce and Consumer Affairs)

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Wednesday, April 4 at 12:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 285, relative to revision of the New Hampshire life and health insurance guaranty association act.

HB 373, concerning withdrawal of a member district from a cooperative school district.

HB 446, relative to the appointment of deputy school district treasurers.

HB 193, placing a public member on the state board of registration of funeral directors and embalmers.

HB 277, relative to the relationship between nonprofit health service corporations and health care service providers.

HB 322, requiring all commercial eating establishments or places where food is served to post in a conspicuous place a graphic display of the Heimlich or similar maneuver.

HB 132, prohibiting construction of the Hampton liquor store in the town of Hampton Falls.

HB 338, relative to nonforfeiture benefits of life insurance policies and reserve valuation standards for life insurance policies and annuity contracts.

HB 355, relative to the student trustee in the state university system.

HB 289, relative to certain changes in the veterinary practices act.

HB 348, relative to strengthening the DWI laws.

HB 167, relative to pistol permits.

UNANIMOUS CONSENT

Rep. Hall addressed the House by unanimous consent.

RECESS

Rep. French moved that the House adjourn. Adopted.

HOUSE JOURNAL 20

Wednesday 4Apr79

The House met at 12:30 p.m.

Prayer was offered by the House Chaplain, Rev. William L. Quirk.

Let us pray:

Our Father in Heaven, assist us by Your presence among us.

Teach us to honor and respect the gifts and talents that You have so generously given to each one of us.

By Your grace, may we use and strengthen these gifts to pursue our labors with order and patience, thankfulness and joy.

With Your spirit of wisdom and understanding may we dutifully fulfill our tasks, that whatever we accomplish may be for the benefit of others and serve their needs. Amen.

Rep. Walter led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Lyons, Fisher, Cotton, Hebert, Close, John Winn, Rice, Martineau, Schwaner, Gordon and Hardy, the day, illness.

Reps. Willev, Eisengrein, Theriault, Richardson, Head, Heath, Hill, Maglaras, Spirou, Snell, Burrows, Keefe, Woodman, Winkley, Wood, Chagnon and Colby, the day, important business.

Rep. Stylianos, the day, death in the family.

Rep. Matheson, Cecelia Winn, the day, illness in the family.

INTRODUCTION OF GUESTS

Mr. Frank Snee of Manchester, President, and Mrs. Theresa Herron, from the National Federation of the Blind of New Hampshire, Inc., guests of Rep. Guidi; Sue Cote, Mike Leblanc, Bill Tollinger, Robin Luby and students in the 7th and 8th grades, Bedford's McKelvie School and their teacher, David Faichnev, guests of Rep. Peters, Richards and Van Loan; Bridgett Fox, guest of Reps. Nichols and Holliday.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 89, instructing the commissioner of resources and economic development to erect a commemorative marker at the Nansen Ski Jump in honor of Alf Halverson. (Resources, Recreation and Development)

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

HB 144, to permit certain qualified persons other than registered nurses to administer oral medications. (Amendment printed in SJ 3/29)

Rep. Wilson moved that the House concur. Adopted.

Reps. Crorv, Copenhaver, Chambers, and King and Sen. Hough offered the following:

HOUSE CONCURRENT RESOLUTION NO. 9

Congratulating Mrs. Marilyn Black
National Teacher of the Year

WHEREAS, there are in excess of 9,000 teachers in the State of New Hampshire and more than 2,100,000 teachers in the United States, and

WHEREAS, to be chosen New Hampshire Teacher of the Year is recognition of outstanding achievement and dedication to the craft of educating children, and

WHEREAS, Mrs. Black's selection by her peers in New Hampshire qualified her to represent this state in the national competition, and

WHEREAS, the recommendations by her principal at Hanover's Ray School, the State Commissioner of Education and others consistently utilize such words as dedicated, imaginative, active, outstanding, organizer, tireless, committed, determined, involved, and

WHEREAS, to be selected National Teacher of the Year and proclaimed so by the President of the United States is an accomplishment that reflects favorably on the State of New Hampshire, now therefore he it

RESOLVED, by the General Court in 1979 session convened, extend its congratulations to the "Pied Piper" at Hanover, Mrs. "Willie" Black, and he it further

RESOLVED, that a suitable copy of these resolutions be prepared for presentation to Mrs. Black.

Adopted unanimously.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. George Roberts offered the following:

HOUSE RESOLUTION NO. 17

in support of National Library Week

WHEREAS, access to information and ideas is indispensable to the development of human potential, the advancement of civilization, and the continuance of enlightened self-government, and

WHEREAS, the American Library Association sponsors National Library Week as the focal point of a long-range, year-round program to help build a reading nation, and

WHEREAS, the President of the United States has called the first White House Conference on Libraries and Information Services in United States history for October 1979 to develop recommendations for the further improvement of the Nation's libraries and information centers and their use by the public, and

WHEREAS, New Hampshire held a Conference on Libraries and Information Services in September 1978 to prepare for the White House Conference, and

WHEREAS, three members of the House, Reps. Patricia Skinner, Judith Stahl and Betty Jo Taffe, have been chosen delegates to the White House Conference, and

WHEREAS, the purpose of the White House Conference shall be to develop recommendations for the further improvement of the Nation's libraries and information centers and their use by the public, and

WHEREAS, libraries in the United States have contributed greatly to a free society for over two-hundred years as expressed in the belief that only free men read freely, now therefore be it

RESOLVED, that the House of Representatives expresses its support of National Library Week, April 1 through 7, and urges every New Hampshire resident to take advantage of his local library's facilities and programs.

Adopted unanimously.

SIX-DAY EXTENSION GRANTED

HB 470, relative to the definition of vending facility for purposes of the blind services program. (Resources, Recreation and Development)

Rep. French moved that debate on all reports be limited to 20 minutes equally divided.

Rep. Copenhaver spoke against the motion.

Rep. Helen Wilson moved to amend the motion to read 30 minutes.

A division was requested.

Rep. Parr requested a quorum count.

The Speaker declared a quorum present.

107 members having voted in the affirmative and 121 in the negative, the amendment lost.

Rep. French moved to amend the motion to read 20 minutes plus 10 minutes for questions.

Rep. Scamman spoke in favor of the amendment.

Reps. Townsend and Blanchette spoke against the amendment.

A division was requested.

168 members having voted in the affirmative and 60 in the negative, the amendment was adopted.

Motion adopted.

COMMITTEE REPORTS (Regular Calendar)

HB 304, regulating the crossing of public utilities lines over railroad property. Ought to Pass with Amendment.

Vote 15-0 on Ought to Pass with Amendment. Main point of bill is that

the Public Utilities Commission will determine reasonable payments to railroads for easements. This will eventually benefit consumer. The amendments are in change of words only, not the intent of the bill. Rep. C. Dana Christy for Commerce and Consumer Affairs.

Amendment

Amend RSA 371:24 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

371:24 Easements for Utility Lines Crossing Railroad Property. Upon approval of the commission, a public utility may construct transmission and distribution

lines that traverse or parallel the tracks and property of a railroad and establish a permanent or temporary easement thereby. The public utility shall file a plan and layout delineating the route for such lines with the commission 30 days prior to beginning construction and shall make any payment to the railroad the commission determines to be just and reasonable.

Amendment adopted.

Ordered to third reading.

HB 433, relative to detective agencies and security services. Ought to Pass with Amendment.

This bill exempts licensed alarm installers and security guards under certain conditions from having to obtain license. The amendment deleted "all" from "all fees collected" under RSA 106-F:10. Vote was 17-0. Rep. Roger S. Wood for Commerce and Consumer Affairs.

Amendment

Amend RSA 106-F:10 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

106-F:10 Disposition of Fees. Fees collected under this chapter shall be retained by the director of state police for the costs of administering the provisions of this chapter.

Amendment adopted.

Referred to Appropriations.

HB 327, establishing the air resources commission and the air resources agency as an independent commission and agency and repealing certain provisions of the RSA. Ought to Pass with Amendment.

This bill does two things. First it amends the present laws to conform to the current federal clean air regulations so that New Hampshire may continue to control this problem on the state level.

Secondly, it establishes the Air Resources Commission and the Air Resources Agency as an independent body. This was what was intended in the original enabling act in 1967. Rep. Rogers for Environment and Agriculture.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing the air resources commission and the air resources agency as an independent commission and agency, providing for the transfer of funds, equipment and personnel thereof, and repealing certain provisions of the RSA.

Amend the bill by striking out all after section 5 and inserting in place thereof the following:

6 Transfer of Personnel, Property, etc. The personnel, property, and records of the state air pollution control

commission and the air pollution control agency are hereby transferred to the air resources commission and the air resources agency. The transfer herein provided for shall not eliminate any existing position within the classified service. No permanent classified state employee shall be required to take an examination to remain in his position. Unclassified employees within the air pollution control commission and air pollution control agency shall also be transferred to the air resources commission and air resources agency and no vacancies in such positions are created by this act. Notwithstanding RSA 125-C:6 the incumbent director of the air pollution control agency on the effective date of this act is hereby appointed as the director under RSA 125-C:6.

7 Transfer of Funds. All funds for the air pollution control commission or the air pollution control agency or both as contained in the state operating budget for the fiscal years ending June 30, 1980 and June 30, 1981 are hereby transferred to the air resources commission and air resources agency and such funds are hereby appropriated for the use of the air resources commission and air resources agency.

8 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Referred to Appropriations.

HR 425, relative to surface mining and reclamation of mined lands. Ought to Pass with Amendment

This bill provides for the issuing of mining permits and the reclamation of mined lands. Vote was 15-1. Rep. Rogers for Environment and Agriculture.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to mining and reclamation of mined lands.

Amend RSA 12-E:1 as inserted by section one of the bill by striking out same and inserting in place thereof the following: 12-E:1 Definitions. As used in this chapter:

I. "Affected site" means the land or water upon, in or under which mining is conducted or is to be conducted including the mine and that land or water which is or will be substantially affected physically or chemically as is detailed in the mining plan pursuant to RSA 12-E:4.

II "Commissioner" means the commissioner of the department of resources and economic development or his designate.

III. "Comparable natural contour" means a surface configuration which resembles the general surface configuration of adjacent land and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, spoil piles and mining equipment eliminated.

IV. "Mine" means all areas, surface mined or being mined as well as adjacent areas ancillary to the operation, together with cleaning, concentrating and preparation plants, storage areas, haulageways, spoil areas, roads or trails.

V. "Mineral" means copper, diatomite, feldspar, garnet, granite, lime, thorium, uranium and any similar solid material or substance excluding sand, gravel and construction aggregate to be excavated from natural deposits on or in the earth or in or underneath water.

VI. "Mining" means the activities performed in the extraction of minerals including the excavation of pits, removal of minerals, disposal of overburden and the construction of roads for the haulage of mining materials; provided, however, the following shall not be subject to this chapter:

(a) Mining activities for the purpose of improvement of or use on the owner's property or

(b) Mining activities for which the permit site would be 5 acres or less and would result in less than 2,000 cubic yards per year excavated or

(c) Mining activities in existence upon the effective date of this chapter, provided that the operators thereof file for an exemption within one year of said date, stating location, acreage, ownership and any conditions of such activities.

VII. "Mining and Reclamation Plans" means technical data accompanied with the owner's permit application detailing the anticipated mining, blasting and reclamation activities associated with mineral extraction subject to this chapter.

VIII. "Mining operator" or "operator" means any person, firm, association, partnership, cooperative, corporation or trust engaged in mining.

IX. "Overburden" means earth and other natural materials over and around the minerals which will be displaced by mining operations.

X. "Permit site" means the land surrounding and including the affected site and mine needed to internalize the mining operation to safeguard adjacent lands and interests.

XI. "Prospecting" means exploration for minerals with mechanized equipment which will result in disturbance of land which could pose a danger to the public or cause environmental harm.

XII. "Quarry" means an excavation in bedrock open to the surface excavated for the purpose of removing rock, minerals or metallic ores.

XIII. "Reclamation" means the restoration of the permit site by grading, backfilling, compacting and landscaping to a compatible natural contour and the reestablishment of permanent self-regenerating vegetative cover of the same seasonal variety previously occurring in the area which is capable of self-regeneration equal to or greater than its productive capacity prior to the mining activities unless alternate plans for other uses are approved by the commissioner.

XIV. "Toxic substance" means any

chemical substance which has the capacity to produce personal injury or illness to man through ingestion, inhalation or absorption through any body surface.

Amend the introductory paragraph of RSA 12-E:4 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

12-E:4 Mining Permit Required. No person shall conduct mining on any lands in the state unless he holds a valid permit issued by the commissioner or if he is exempted pursuant to RSA 12-E:1, VI (c).

Amend RSA 12-E:4, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. A permit shall be issued to any mining operator for the purpose of engaging in mining activities in this state upon the commissioner's approval of the permit application incorporating any conditions therein set by the commissioner and upon payment of all fees and bonds.

Amend RSA 12-E:4, X as inserted by section one of the bill by striking out same.

Amend RSA 12-E:5, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. Upon filing of a permit application or an application for an amended permit, the operator shall publish notice of such application in a newspaper in general circulation of each county wherein the affected land lies at least once each week for 2 successive weeks after filing the application. The operator shall notify landowners within one half mile of the proposed permit area in writing of the application and shall file a copy of the mining and reclamation plan, or amended plan with the town clerk or city solicitor of the town or city wherein the land lies.

Amend RSA 12-E:6, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. Upon approval of the mining and reclamation plans and prior to the issuance of a permit, the operator shall file with the commissioner a bond payable to the state of New Hampshire with sureties or other security satisfactory to the commissioner to adequately secure compliance with this chapter. In determining the amount of the bond, the character and nature of the area adjacent to the permit site, the estimated cost of reclamation and the future suitable use of the land involved shall be considered to insure the performance of the operator's duties, but in no case shall the bond be less than \$1,000 per acre. The anticipated cost of the operator's reclamation duties pursuant to RSA 12-E:7 and the mining and reclamation plans shall be covered by the bond to ensure successful completion of any such reclamation activities upon default by the operator. The commissioner shall review the adequacy of the bond at least every 3 years. All proceeds of forfeited bonds or other security shall be expended by the commissioner for the reclamation of the land area for which the bond was posted with the remainder returned to the operator.

Amend RSA 12-E:7, I (c) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(c) Remove the topsoil from the land in a separate layer and if not utilized immediately, segregate it in a separate pile from other spoil. When the topsoil is not replaced on an area within a time short enough to avoid deterioration of the topsoil, a successful cover by quick growing plant or other means thereafter shall be initiated so that the topsoil is preserved from wind and water erosion and remains free of contamination by toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation. If topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which is best able to support vegetation for successful reclamation;

Amend RSA 12-E:7, I (e) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(e) Create, if authorized in the permit, permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that the size of the impoundment is adequate for its intended purposes. The impoundment dam construction will be so designed as to achieve necessary stability with an adequate margin of safety as determined by the commissioner; the quality of impounded water will be suitable on a permanent basis for its intended use and that discharges from the impoundment will not degrade the water quality below water quality standards established pursuant to applicable federal and state law in the receiving stream; the level of water will be reasonably stable; final grading will provide adequate safety and access for proposed water users; and such water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational or domestic uses.

Amend RSA 12-E:8, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. The commissioner shall establish a fee for filing and obtaining both a prospecting permit and a mining permit. The fee, as determined by the commissioner, should be enough to cover its costs for acting upon the application but in no case shall the fees be less than \$10 for a prospecting permit and \$350 for a mining permit. The commissioner may require a fee for the filing of amendments.

Amend RSA 12-E:9, III as inserted by section one of the bill by striking out same and inserting in place thereof the following:

III. The commissioner shall determine the terms of the leases, including the amount of acreage, duration of lease, rental cost and any conditions concerning extraction of minerals or reclamation of the leased land upon application for such lease by the prospector.

Amend RSA 12-E:10, IV as inserted by section one of the bill by striking out same and inserting in place thereof the following:

IV. Upon the operator's noncompliance with the order, the commissioner shall hold a revocation hearing within 10 days after the expiration of the 60 day period. The commissioner shall notify the operator by certified mail of the hearing and shall enclose a statement specifying the allegations of violation to be answered. A copy of the statement shall be posted at the entrance to the affected site.

Amend RSA 12-E:14 as inserted by section one of the bill by inserting after paragraph II the following new paragraph:

III. The court, in issuing any final order in any action, may award costs of litigation including attorney and expert witness fees to any party whenever the court determines such award is appropriate.

Amendment adopted.

Referred to Appropriations.

HB 477, relative to agricultural encouragement within the state and making an appropriation therefor. Ought to Pass with Amendment

This bill establishes a promotion and marketing assistance program for New Hampshire grown products. The amendment clarifies the language and reduces the appropriations. Vote was 18-0. Rep. Rogers for Environment and Agriculture.

Amendment

Amend the introductory paragraph of RSA 427-A:1 as inserted by section 2 by striking out same and inserting in place thereof the following:

427-A:1 The 6 regional associations under the department of resources and economic development, or their successors, are hereby appointed regional promotional and marketing agents for the agricultural, fishery and forest products grown or produced in the state, to work in conjunction with the commissioner of agriculture. Within their respective regions, and elsewhere as the commissioner of agriculture deems appropriate, they shall carry out promotional and marketing programs in the following endeavors:

Amend RSA 427-A:1, as inserted by section 2 of the bill by inserting after paragraph V the following new paragraph:

VI. Cooperative efforts in food production, storage, processing and grading involving agricultural growers or marketing interests or both, intended to meet the nutritional needs of institutional or other large - quantity buyers.

Amend RSA 427-A:2, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. Adopt rules pursuant to RSA 541-A relative to eligibility requirements for participation in the promotional and marketing assistance programs established pursuant to this chapter.

Amend RSA 8:24-a, III as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

III. The chief purchasing agent of every state agency which engages in the purchase of foods for residents of state

institutions and universities shall annually file a written account of the food purchases produced by New Hampshire farms and fisheries with the commissioner of agriculture within 60 days after the end of the fiscal year.

Amend paragraph II of section 6 of the bill by striking out same and inserting in place thereof the following:

II. There is hereby appropriated to the department of agriculture, in addition to any other sums appropriated to the department of agriculture, for the purposes of this act the sum of \$15,000 for the biennium ending June 30, 1981 to be expended as follows and shall not be transferred or expended for any other purpose.

Fiscal Year 1980

04	Bureau of Markets	
70	In-state travel	\$ 500
95	Promotion of farmers' markets and labeling programs	<u>7,000</u>
	Total	\$7,500

Fiscal Year 1981

04	Bureau of Markets	
70	In-state travel	\$ 500
95	Promotion of farmers' markets and labeling programs	<u>7,000</u>
	Total	\$7,500

Amendment adopted.

Referred to Appropriations.

HB 482, establishing procedures to review developments of regional impact and making an appropriation therefor. Ought to Pass with Amendment.

Bill provides a mechanism by which developments of major size impacting two or more towns will be reviewed in order to guarantee the impact will not be disastrous. Vote was 14-7. Rep. Rogers for Environment and Agriculture.

Amendment

Amend RSA 36-D:4, III as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

III. Within 10 days of receipt of a complete request, the regional planning commission shall notify the applicant and the applicable local planning board in writing that the development does or does not constitute a development of regional impact and if applicable, transmit an application form as described in RSA 36-D:4, IV to the applicant. If the regional planning commission fails to notify the applicant within the required 10-day period, the proposed development shall be considered not to constitute a development of regional impact.

Amendment adopted.

Referred to Appropriations.

HB 555, establishing a hazardous waste management program. Ought to Pass with Amendment.

Bill has been amended to conform to the current Environmental Protection Agency regulations, and to make New Hampshire eligible to apply for interim authorization - and eventually full authorization - to handle New Hampshire hazardous waste as a state problem. Further amended to make it clear that these controls do not apply to the manufacturing process itself, only to the waste product of the process. RSA 147:51, VII was added to give interim control of new or expanded facilities to the Bureau of Solid Waste during the period before the regulations are finalized. This should prevent any new activity slipping into existence before controls are established. Vote was 19-0. Rep. Rogers for Environment and Agriculture.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I Findings and Purpose.

I. The general court hereby finds:

(a) That continuing technological progress which increases the amount of manufacture and the implementation of air and water pollution standards have resulted in increasing quantities of hazardous wastes; and

(b) That the public health and safety and the environment are threatened when hazardous wastes are not managed in an environmentally sound manner; and

(c) That the knowledge and technology necessary for alleviating the adverse health and environmental impacts resulting from current hazardous waste management and disposal practices are generally available at costs within the financial capability of those who generate such wastes, but that such knowledge and technology are not widely used; and

(d) That as the result of a hazardous wastes survey and the lack of hazardous waste treatment, storage or disposal facilities within the state, the problem of managing hazardous waste has become a matter of concern to the state.

II. The general court hereby declares the purposes of this act are:

(a) To protect the public health and safety, and the environment from the effects of the improper, inadequate, or unsound management of hazardous wastes; and

(b) To establish a program of regulation over the generation, storage, transportation, treatment, and disposal of hazardous wastes; and

(c) To assure the safe and adequate management of hazardous wastes within this state.

2 Hazardous Waste Management Program Established. Amend RSA 147 by inserting after section 47 the following new subdivision:

Hazardous Waste Management Program
147:48 There shall be a bureau of solid waste management, within the division of public health services, department of health and welfare, which shall administer and

enforce, in addition to its other duties, the provisions of this subdivision.

147:49 Definitions. In this subdivision:

I. "Bureau" means the bureau of solid waste management, division of public health services, department of health and welfare which is charged with the administration and enforcement of this subdivision.

II. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on to any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or be discharged into any waters including groundwaters.

III. "Facility" means a location at which waste is subjected to treatment, storage or disposal and may include a facility where waste has been generated.

IV. "Generation" means the act of producing waste materials.

V. "Hazardous waste" means a solid, semi-solid, liquid or contained gaseous waste, or any combination of these wastes which:

(a) Because of either quantity, concentration, or physical, chemical, or infectious characteristics may:

(1) Cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or

(2) Pose a present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of or otherwise mismanaged.

(b) Or has been identified as a hazardous waste by the bureau using the criteria established under 147:50, I (a), and/or as listed under 147:50, I (e). Such wastes include, but are not limited to, those which are toxic, corrosive, ignitable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means. Such wastes do not include radioactive substances that are regulated or controlled by the Atomic Energy Act of 1954, as amended.

VI. "Hazardous waste management" means the systematic control of the generation, collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous waste.

VII. "Imminent hazard" means any abnormal conditions or practices in any place or area which are such that a danger exists which could reasonably be expected to cause death or serious physical harm to human health or the environment immediately or which, before the commencement of such danger, can be eliminated through the enforcement procedures otherwise provided by this subdivision.

VIII. "Manifest" means the form used for identifying the quantity, composition, routing, destination and origin of hazardous waste.

IX. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association,

state, municipality, commission, United States government or any agency thereof, political subdivision of the state, or any interstate body.

X. "Storage" means the containment of hazardous wastes, either on a permanent basis or on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous wastes.

XI. "Trade secret" means any confidential formula, pattern, device or compilation of information which is used in the employer's business and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. Such secret is known to the employer and those employees to whom it is necessary to confide it.

XII. "Transport" means the movement of wastes from the point of generation to any intermediate points and, finally, to the point of ultimate storage or disposal.

XIII. "Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste non-hazardous, safer for transport, amenable to recovery, amenable to storage or reduced in volume.

XIV. "Waste" means any matter consisting of: garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded or abandoned material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended.

147:50 Powers and Duties.

I. The bureau shall have the authority with notice and public hearing to adopt rules pursuant to RSA 541-A:

(a) Establishing criteria for the determination of whether any waste or combination of wastes is hazardous for the purposes of this chapter; and

(b) Regulating the generation, storage, manifest system, treatment, containerization, transportation and disposal of hazardous wastes; and

(c) Specifying the terms and conditions under which the bureau shall issue, modify, suspend, revoke, or deny such permits as may be required by this chapter; and

(d) Establishing standards and procedures for the safe operation and maintenance of hazardous waste treatment, storage and disposal facilities or sites; and

(e) Listing those wastes or combinations of wastes which are deemed to be hazardous; and

(f) Establishing procedures and requirements for the record keeping and

reporting of the generation, storage, transportation, treatment, or disposal of hazardous wastes; and

(g) Establishing procedures and requirements for the immediate reporting of hazardous waste spills; and

(h) Establishing a manifest system for tracking hazardous wastes from the point of generation to the point of treatment, storage or disposal.

II. In complying with this section, the bureau shall consider the variations within the state in climate, geology, population density, and such other factors as may be relevant to the management of hazardous wastes.

III. "Pesticides" as defined in RSA 149-D are subject to this chapter only to the extent that they fall within the criteria as a "hazardous waste."

147:51 Permits.

I. Beginning one year after the effective date of this section, no person shall construct, substantially alter or operate any hazardous waste treatment, storage or disposal facility or site; nor shall any person store, treat or dispose of any hazardous waste on-site or off-site without first obtaining a permit from the bureau for such facility, site or activity. This section shall also apply to any person performing any of the acts specified in this paragraph on the effective date of this section.

II. Permits issued under this section shall be issued under such terms and conditions as the bureau may prescribe, including, but not limited to, monitoring, contingency plans and closure.

III. Permits shall be issued on a permanent basis subject to modification, suspension, or revocation.

IV. Any permit issued under this section may be revoked by the bureau at any time when the permittee fails to comply with the terms and conditions of the permit; provided, no permit shall be revoked until the bureau has provided the affected party with the opportunity for an adequate hearing and with written notice of the intent of the bureau to revoke the permit and the reasons for such revocation.

V. Any person aggrieved by a decision of the bureau to revoke a permit under paragraph IV may appeal to the office of the commissioner of the department of health and welfare who may affirm, deny or amend the decision of the bureau. The commissioner shall adopt rules pursuant to RSA 541-A establishing procedures for the appeal process provided under this paragraph.

VI. If the application for or compliance with any permit, as required under this section, for existing treatment, storage or disposal facilities would, in the judgment of this bureau, cause undue or unreasonable hardship to any person, the bureau may issue an interim permit which shall contain a compliance schedule for compliance with the requirements of this section and which shall contain such conditions as the bureau deems necessary. Renewal or extensions of the compliance schedule may be given only after opportunity for public hearing and comment in the town or city affected by each such renewal or extension.

VII. No person shall construct a hazardous waste treatment, storage or disposal facility after the effective date of this act unless an interim permit is issued by the bureau, which shall apply such conditions as it deems necessary utilizing existing regulations relating to solid waste and, in its discretion, such standards as proposed by the Environmental Protection Agency as published in the Federal Register of December 18, 1978.

147:52 Facilities and Sites.

I. No permit shall be issued to any hazardous waste treatment, storage or disposal facility or site unless that facility or site meets such terms and conditions as the bureau may direct. Terms and conditions shall include, but not be limited to:

(a) Evidence of financial responsibility in such amount as the bureau after consultation with the commissioner of insurance may determine to be necessary and reasonable for the protection of the public health and safety and of the environment;

(b) Evidence of financial responsibility in such form and amount as the bureau after consultation with the commissioner of insurance may determine to be necessary and reasonable to insure that, upon abandonment, cessation or interruption of the operation of the facility or site, all appropriate measures are taken to prevent present and future damage to the public health and safety and to the environment;

II. Personnel employed in the operation of any facility or site shall meet such qualifications concerning training as deemed necessary by the bureau, after a review of the characteristics, properties, and volume of hazardous wastes to be treated, stored, or disposed of at the facility or site.

147:53 Inspections; Right of Entry.

I. For the purposes of developing or enforcing any rule authorized by this chapter, any duly authorized representative or employee of the bureau may, upon presentation of appropriate credentials, at any reasonable time:

(a) Enter any place where hazardous wastes are generated, stored, treated, or disposed of;

(b) Inspect and obtain samples of any waste, including samples from any vehicle in which wastes are being transported, as well as samples of any containers or labels; and

(c) Inspect and copy any records, reports, information, or test results relating to the purposes of this chapter.

II. Information obtained by the bureau under this chapter that constitutes a trade secret shall not be disclosed by the bureau to the public except with the written permission of the owner of the trade secret.

147:54 Imminent Hazard.

I. Notwithstanding any other provision of this chapter, the bureau, upon receipt of information that the generation, storage, transportation, treatment or disposal of any waste may present an imminent and substantial hazard to the health of persons or to the environment, may take such actions as it determines to be

necessary to protect the health of such persons or the environment. The action the bureau may take includes, but is not limited to:

(a) Issuing an order directing the owner and/or operator of the treatment, storage or disposal facility or site, or the custodian of the waste, which constitutes such hazard, to take such steps as are necessary to prevent the act or eliminate the practice which constitutes such hazard. Such action may include, with respect to a facility or site, permanent or temporary cessation of operation.

(b) Issuing an order for and/or supervising the proper clean-up of a hazardous waste spill which the bureau deems an imminent hazard, taking such steps as are necessary to prevent damage to the health of persons or to the environment.

(c) Requesting that the attorney general commence an action seeking an injunction including mandatory injunction.

147:55 Enforcement.

I. Whenever the bureau finds that any person is in violation of any permit, rule, standard or requirement under this chapter, the bureau may issue an order requiring such person to comply with such permit, rule, standard or requirement, or the bureau may request that the attorney general bring a civil action in superior court for appropriate relief including but not limited to a temporary or permanent injunction or both.

II. Any person who knowingly violates any order issued by the bureau pursuant to this section shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person and, in addition, may be enjoined from continuing such violation. Each day any person neglects or refuses to comply with such an order shall constitute a separate offense.

III. Any person who violates any permit, rule, standard, or requirement pursuant to this chapter shall be subject to such permit, rule, standard or requirement being enforced by injunction including mandatory injunction and shall also be subject to a civil forfeiture of not more than \$25,000 for each day the violation continues.

147:56 Interstate Cooperation. The general court encourages cooperative activities by the bureau with other states for the improved management of hazardous wastes; for improved, and so far as is practicable, uniform state laws relating to the management of hazardous wastes; and for compacts between this and other states for the improved management of hazardous wastes.

147:57 Ordinances. Notwithstanding any other provisions of this subdivision, the rules adopted by the bureau of solid waste management shall not infringe upon the authority of municipalities to enact more stringent requirements for the transportation of hazardous waste as provided in RSA 41:11 and RSA 47:17, VII, VIII and IX, as long as any ordinance

enacted by a municipality shall comply with the requirements of RSA 153.

147:58 Limits. Nothing contained in this subdivision shall be construed to modify or limit the duties and authority conferred upon the water supply and pollution control commission under RSA 146-A, RSA 148 and RSA 149.

3 Effective Date. This act shall take effect 60 days after its passage but no later than July 1, 1979.

Amendment adopted.

Ordered to third reading.

HB 204, establishing centralized microfilming for the state and making an appropriation therefor. Inexpedient to Legislate.

It was the feeling of the Committee this bill did not address the whole subject as needed but that HB 540 is a better vehicle to amend to cover the whole problem. Vote was 13-2. Rep. Robert W. Dearhorn for Executive Departments and Administration.

Rep. Townsend spoke to the committee report.

Rep. Townsend moved that HB 204 be laid upon the Table.

Adopted.

HB 261, relative to restructuring the public utilities commission and making an appropriation therefor. Ought to Pass with Amendment.

This legislation makes the Public Utilities Commissioners full time with adjusted salaries, changes the title of the Executive Secretary to Executive Director, creates the position of ombudsman within the Commission, and establishes a code of ethics acceptable to all parties. The three present Commissioners are grandfathered in for the remainder of their terms. Unanimous (16-0) vote of the Committee. Rep. Stuart D. Trachy for Executive Departments and Administration.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Commission, Term. Amend RSA 363:1 by striking out said section and inserting in place thereof the following:

363:1 Commission, Term. There shall be a public utilities commission, composed of 3 commissioners who shall be full-time employees and who shall engage in no other gainful employment during their terms as members. Their term of office shall be for 6 years and until their successors are appointed and qualified. Of the 3 commissioners, one shall be an attorney and a member of the New Hampshire Bar and one shall have either background or experience or both in one or more of the following:

engineering, economics, accounting or finance.

2 Terms of Present Commissioners.

Amend RSA 363:2 by striking out said section and inserting in place thereof the following:

363:2 Present Commissioners. The members of the public utilities commission in office on August 1, 1979 shall continue in office as public utilities commissioners for the balance of their respective terms.

3 Code of Ethics. Amend RSA 363:12 by striking out said section and inserting in place thereof the following:

363:12 Ethical Conduct Required. In addition to any other type of behavior or activity of a commissioner that is proscribed by RSA 363, a commissioner shall conduct himself and his affairs in accordance with a code of ethics that shall include, but not be limited to, the following elements:

I. Avoidance of impropriety and the appearance of impropriety in all his activities;

II. Performance of his duties impartially and diligently;

III. Avoidance of all ex-parte communications concerning a case pending before the commission;

IV. Abstention from public comment about a matter pending before the commission and require similar abstention on the part of commission personnel;

V. Require staff and personnel, subject to commission direction, to observe the standards of fidelity and diligence that apply to the commissioners;

VI. Initiate appropriate disciplinary measures against commission personnel for unprofessional conduct;

VII. Disqualify himself from proceedings in which his impartiality might be reasonably questioned;

VIII. Inform himself about his personal and fiduciary interests and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children;

IX. Regulate his extra-curricular activities to minimize the risk of conflict with his official duties;

X. Refrain from solicitation of funds for any political purpose although a commissioner may be listed as an officer, director, trustee of such organizations; and

XI. Refrain from financial or business dealings which would tend to reflect adversely on his impartiality, although he may hold investments which do not come under the purview of his regulatory responsibilities, such as a family business.

363:12-a Certain Speeches Authorized. A commissioner may speak, write or lecture concerning the regulatory process in New Hampshire but shall be reimbursed only for actual expenses incurred therein.

363:12-b Prohibition on Future Employment. No commissioner, executive director, finance director, general counsel, ombudsman or chief engineer of the commission shall accept any employment with any utility under the control of the commission until 2 years after he shall become separated from the commission.

363:12-c Prohibition on Certain Communications.

I. All ex-parte communications with the commissioners or the staff of the commission from any other person concerning any investigation, inquiry, complaint proceeding or rule-making proceeding are hereby prohibited. Such prohibition shall not be deemed to prohibit requests for data held by the commission nor written communications to the commissioners, copies of which are filed with the executive director.

II. Any person violating the provisions of RSA 363:12, 12-a, 12-b or 12-c shall be guilty of a violation.

4 Duties of Commission. Amend RSA 363 by inserting after section 17 the following new sections:

363:17-a Commission as Arbiter. The commission shall be the arbiter between the interests of the customer and the interests of the regulated utilities as provided by this title and all powers and duties provided to the commission by RSA 363 or any other provisions of this title shall be exercised in a manner consistent with the provisions of this section.

363:17-b Final Orders. The commission shall issue a final order on all matters presented to it. Final orders of the commission shall include, but not be limited to:

I. The identity of all parties;

II. The positions of each party on each issue;

III. A decision on each issue including the reasoning behind the decision; and

IV. The concurrence or dissent of each commissioner participating in the decision.

5 Investigations. Amend RSA 363:22 by striking out in line 1 the words "upon complaint," so that said section as amended shall read as follows:

363:22 Investigations. The commission may investigate all existing or proposed interstate rates, fare, charges, classifications and rules and regulations

relating thereto, where any act thereunder may take place within this state.

6 New Subdivisions. Amend RSA 363 by inserting after section 25 the following new subdivision:

Support Personnel to Commission

363:26 Executive Director.

I. There shall be an executive director of the commission appointed by the commissioners who shall serve at the pleasure of the commissioners.

II. The executive director shall, subject to the supervision of the commissioners, exercise the full administrative power of the commission. Said executive director shall work through and report directly to the chairman.

III. The executive director shall receive the annual salary prescribed by RSA 94:1-4.

363:27 Ombudsman.

I. There shall be an ombudsman who shall be appointed by the commissioners to serve in a full-time capacity.

II. The ombudsman shall investigate disputes between a customer and a regulated utility or complaints by a customer against a regulated utility. He shall report directly to the commissioners and perform any other customer related duties which the commissioners may assign.

III. The ombudsman shall receive the annual salary prescribed by RSA 99:1-a subject to state personnel regulations.

363:28 Staff; Separation of Functions.

I. In the exercise of the jurisdiction and performance of the duties prescribed by law, the commission shall have the power, subject to the state personnel regulations and within the limits of the appropriation for such purpose, to employ and fix the compensation of such regular staff, including experts, as it shall deem necessary. Should emergency require, it may in addition to the sums appropriated for its use by the legislature expend such further sums as the governor and council may approve, such further sums to be paid out of any money in the treasury not otherwise appropriated.

II. The staff of the commission shall be divided along functional lines. There shall be an advisory staff and an investigatory staff. The investigatory staff shall supply all the factual material, relative to each party at interest appearing before the authority, that the commissioners may require. The advisory staff shall supply all other material that the commissioners may require in order to reach and present the commission's decision on any matter before it. All records of the investigatory staff shall be public records subject to the provisions of RSA 91-A.

7 Certain Salaries Provided. Amend RSA 94:1-a, I (supp) as amended by inserting in Group J of said paragraph the following (Executive director, public utilities commission).

8 Commissioners Salaries Changed. Amend RSA 94:1-a, I (supp) as amended by striking out of Group M of said paragraph the line "Public utilities commissioners" and inserting in Group T of said paragraph the following: (Public utilities commissioners).

9 Chairman's Salary Changed. Amend RSA 94:1-a, I (supp) as amended by striking out of Group N of said paragraph the line "Public utilities commission chairman" and inserting in Group T of said paragraph the following: (Public utilities commission chairman).

10 Appropriation. The following sums are hereby appropriated to the public utilities commission for the purposes of sections 1 and 6 of this act.

	Fiscal 1980
Permanent personal services	18,267
Salaries of the 3 commissioners	109,314
Benefits	19,426
	<u>147,007</u>

Estimated source of funds:*	
Utility assessment tax	147,007
Total	<u>147,007</u>

	Fiscal 1981
Permanent personal services	28,064
Salaries of the 3 commissioners	119,250
Benefits	23,568
	<u>170,882</u>

Estimated source of funds:*	
Utility assessment tax	170,882
Total	<u>170,882</u>

*Other provisions of law notwithstanding, total expenditures of administration and support shall be assessed against the utilities.

11 Effective Date. This act shall take effect August 1, 1979.

Amendment adopted.

Referred to Appropriations.

HB 265, establishing a department of animal rights and welfare and making an appropriation therefor. Refer to Committee on Executive Departments and Administration for Interim Study.

The Committee held two long hearings, receiving testimony from many considered citizens. The Committee is in agreement on the basic concept of the proposed legislation, but finds itself in disagreement on differing points. Thus, it is felt that much study and further thought is needed in addressing this complex problem. Vote was 12-4. Rep. Peter E. Ramsey for Executive Departments and Administration.

Referred to the Committee on Executive Departments and Administration for Interim Study.

HB 301, relative to retirement of probate judges due to constitutional age limitation. Refer to Committee on Executive Departments and Administration for Interim Study.

On a vote of 12-3 the Committee would prefer to study the issue. Many facts need investigating. Rep. Michael A. Collins for Executive Departments and Administration.

Rep. Townsend moved that HB 301 be recommitted to the Committee on Executive Departments and Administration and spoke to her motion.

Adopted.

HB 367, establishing a human virus diagnostic laboratory in the division of public health services and making an appropriation therefor. Ought to Pass with Amendment.

The need for a human virus diagnostic laboratory, fully functional, for the State of New Hampshire has become increasingly apparent and this bill now is considered a priority by the Division of Health and Welfare.

Since the suggestion was made that funding be found where possible the \$2.00 add-on fee to the marriage license is suggested to be earmarked for this purpose. Vote was 16-0. Rep. Zoe Vrakatis for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to marriage license fees, establishing a human virus diagnostic laboratory in the division of public health services and making an appropriation therefor.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Fee for Marriage. Amend RSA 457:29 (supp) as amended by striking out said section and inserting in place thereof the following:

457:29 Fee. The fee for making the record of notice and issuing a certificate of notice of intention of marriage shall be \$7 to be paid by the parties. Of the fee paid, \$2 shall be forwarded to the division of public health services, department of health and welfare and \$5 shall be the fee of the clerk. The money forwarded to the division of public health services shall be used only for the support of the human virus diagnostic laboratory established pursuant to RSA 141:14.

5 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Referred to Appropriations.

HB 387, establishing the New Hampshire crime commission. Ought to Pass with Amendment.

Federal law requires states to recognize criminal justice planning agencies statutorily by December 31, 1978. New Hampshire is one of two states that did not and was granted an extension until April 1, 1979. The Committee, after much study, recognized the importance of maintaining the flow of federal crime commission funds to state, county and local units of government. Committee vote was 13-1. Rep. Stuart D. Trachv for Executive Departments and Administration.

Amendment

Amend RSA 7-B:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

7-B:1 Purpose. The purpose of this chapter is to create a definable continuing agency in the executive branch to function as the state planning agency for the state of New Hampshire in accordance with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Amend RSA 7-B:3, II, III and IV as inserted by section 1 of the bill by striking out said paragraphs and inserting in place thereof the following:

II. The commission shall be composed of 30 members who shall be appointed by the governor with the advice and consent of the council, and shall serve for a 4 year term, and may be reappointed for no more than one additional consecutive term, or until a successor is appointed, with the following exceptions: the attorney general, commissioner of safety, warden of the state prison, and members of the judiciary required by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall serve coterminously with their terms of state office. The 30 member commission shall also include 2 members of the general court, consisting of one member of the senate appointed by the president of the senate and one member of the house appointed by the speaker of the house. The members of the general court shall serve for the period of their legislative term during which they were appointed, and may be reappointed by their respective presiding officers so long as they are members of the general court. The commission shall include a former inmate of a county house of correction or the state prison. Should any member cease to be an officer or employee of the unit or agency he is appointed to represent, his membership on the commission shall terminate immediately and a new member shall be appointed in the same manner as his predecessor to fill the unexpired term. Other vacancies occurring, except those by the expiration of the term, shall also be filled for the balance of the unexpired term. All vacancies shall be filled within 30 days of the vacancy.

III. Of the remaining 22 members first appointed by the governor and council after the effective date of this act, 8

shall serve for a term of 2 years, 7 shall serve for a term of 3 years, and 7 shall serve for a term of 4 years. All appointments shall be in accordance with the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

IV. In the event that amendments to the Omnibus Crime Control and Safe Streets Act of 1968, as amended, constitute a conflict as to membership on the commission, the governor and council are empowered to file a written finding thereto, and appoint the required membership of the commission, subject to the other provisions of this section.

Amend paragraph I as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

I. The state of New Hampshire's governor's commission on crime and delinquency, as established by executive order number 73-4, as amended, and executive order number 79-3 shall be terminated on the effective date of this act. All of its books, records, reports, equipment, property, accounts, liabilities, and all funds subject to its control shall be transferred to the New Hampshire crime commission as established by this act. The classified and unclassified employees of the state of New Hampshire governor's commission on crime and delinquency except the executive director and interns, as established by executive order number 73-4, as amended, shall be transferred to the New Hampshire crime commission as established under this act and shall be placed in the appropriate grade of the state's personnel classification system as classified state employees. All regulations promulgated by the governor's commission on crime and delinquency as established by executive order number 73-4, as amended, shall be deemed to be regulations of the New Hampshire crime commission.

Amend RSA 490-A:4 as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

490-A:4 Judicial Planning Committee. To carry out the provisions of this chapter and Part II, article 73-A, of the New Hampshire Constitution, the judicial planning committee of the supreme court may, in addition to any powers provided to the committee by the Omnibus Crime Control and Safe Streets Act of 1968 and amendments thereto, establish priorities and annual plans for the improvement of the courts; define, develop and coordinate programs and projects for court improvement; develop plans for the allocation and expenditure of private, local, county, state and federal monies available for the courts; carry out a program of systematic implementation of standards and goals for the improved administration of the court system; evaluate grant requests deemed in the interest of the judicial branch of government; collect and report statistics and data on the court system; and study the judicial impact of legislation affecting the court system. The committee may employ a director and such

staff and consultants as it may determine based upon the availability of funds; and shall establish such subcommittees as deemed advisable.

Amend section 6 of the bill by striking out same and inserting in place thereof the following:

6 Legislative Review of Comprehensive Plans. The crime commission, shall, in accordance with the Omnibus Crime Control and Safe Streets Act of 1968, as amended, submit its annual comprehensive statewide plan to the presiding officer of each body of the general court. The presiding officers shall devise either a joint process, or institute an individual process for each body, to review the plan as to its general goals, priorities and policies, including the analysis of possible conflicts with state statutes or prior legislative acts; and shall forward appropriate comments and recommendations to the crime commission, for its consideration prior to submission to the federal agency, within 45 days of receipt of the annual plan. Failure to forward such comments and recommendations within 45 days shall be deemed to constitute general approval of the plan.

Amendment adopted.

Referred to Appropriations.

HB 420, relative to the classification of harbor masters. Ought to Pass with Amendment.

HB 420, would provide liability insurance for harbor masters appointed by New Hampshire Port Authority. While the original bill called for the designation of harbor masters as classified state employees, the amendment solves the problem of indemnification by enabling the state to purchase liability coverage for state-related claims. Vote was 17-0. Rep. Frederick T. Ernst for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the purchase of liability insurance and workmen's compensation for harbor masters and authorizing a transfer of mooring permit fees to the port authority.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purchase Permitted. Amend RSA 271-A by inserting after section 3 the following new section:

271-A:3-a Insurance Authorized. The New Hampshire state port authority is hereby authorized to purchase such insurance as it may deem necessary or desirable to insure itself, the state of New Hampshire and the harbor masters appointed pursuant to RSA

271-A:3, III against any claims which may arise out of the acts or omissions of any such harbor master in connection with or in any way related to the performance of his official duties as harbor master. Such insurance shall be purchased on behalf of the authority by the division of purchase and property pursuant to RSA 8:19, IX.

2 Workmen's Compensation. Amend RSA 281:2 by inserting after paragraph IV-a the following new paragraph:

IV-h. Employee, with respect to public employment, also means any person appointed as a harbor master by the New Hampshire state port authority pursuant to RSA 271-A:3, III.

3 Transfers Authorized. Other provisions of the law notwithstanding, the comptroller is hereby authorized to:

I. Transfer all appropriation balances made pursuant to 1977, 600:1 as at the effective date of this act from the department of resources and economic development to the New Hampshire state port authority as follows:

From:

1.03 Resources protection and development
03 Resources and economic development
01 Administration and support
07 Portsmouth fish pier
90 Harbormasters G
07 Mooring permits *

To:

1.04 Transportation
02 Port authority
90 Harbormasters G
07 Mooring permits *

*Excess revenue from mooring permits shall be transferred to the class 90 harbormasters appropriation and is hereby appropriated for the purposes of RSA 271-A:8. These funds shall be nonlapsing and shall not be transferred or expended for any other purpose.

II. Reinstate prior year revenue received from mooring permits to the extent necessary to reimburse or credit permittees in such amount and in such manner as may be determined necessary by the attorney general and the comptroller.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

II. Section 3 of this act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

HB 525, creating a New Hampshire athletic trainers board. Majority: Inexpedient to Legislate. Minority (Rep. David J. Farnham): Refer to Committee on Executive Departments and Administration for Interim Study.

MAJORITY: The majority of the committee does not feel that this bill properly addresses or solves the problem. Vote was 13-4. Rep. Beatrice M. Lavcock for Majority of Executive Departments and Administration.

MINORITY: The minority opposed the bill as it is written presently. However, testimony proved that athletes are coached many times by instructors who are blatantly undertrained at all levels of schooling. Athletes are being diagnosed for injuries by improperly trained individuals, sometimes leading to a permanent disability. The minority wished the chance to study further a means in which to upgrade the experience required to be an athletic trainer. Rep. David J. Farnham for Minority of Executive Departments and Administration.

Rep. Farnham moved that the report of the Minority, Refer to Committee on Executive Departments and Administration for Interim Study, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Rep. Townsend, Ward and Ernst spoke against the motion.

Reps. Wojnowski, Vrakatitsis and Peter Ramsey spoke in favor of the motion. Motion lost.

Question being on the committee report, Inexpedient to Legislate.

A division was requested. 195 members having voted in the affirmative and 79 in the negative, the committee report was adopted.

HB 551, relative to permanent disability and retirement of supreme and superior court justices. Refer to Committee on Executive Departments and Administration for Interim Study.

The Committee on a vote of 13-1 felt this bill needs further consideration and wished to study it. Rep. Patricia T. Russell for Executive Departments and Administration.

Referred to the Committee on Executive Departments and Administration for Interim Study.

HB 235, relative to rational development of new institutional health services. Majority: Ought to Pass with Amendment. Minority (Reps. Daniell and Ralph): Ought to Pass with Amendment.

MAJORITY: "Certificate of Need" is mandated to be in force by July 1, 1980. Vote was 13-5. Rep. Helen F. Wilson for Majority of Health and Welfare.

MINORITY: HB 235, as amended and approved by the Majority is a 44 page legislative monstrosity, born of good intentions, but representing excessive red tape overregulation, overstaffing, and grossly excessive expenditure of FOUR HUNDRED THOUSAND DOLLARS. HB 235, as amended and approved by the Minority is one and a half pages long, copied from an Arkansas statute already approved by federal authorities. It carries an appropriation of only FORTY THOUSAND DOLLARS, THIS SAVING THREE HUNDRED AND SIXTY THOUSAND DOLLARS. Vote was 5-13. Reps. Eugene S. Daniell, Jr. and Katharine J. Ralph for Minority of Health and Welfare.

Rep. Daniell moved that the report of the Minority, Ought to Pass with Amendment, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Reps. Wilson, Nighswander, Blanchette, Copenhaver and Spaulding spoke against the motion.

Reps. Cutting, Johnson and Labombarde spoke in favor of the motion.

Reps. Daniell, Blanchette and Spaulding yielded to questions.

A division was requested.

121 members having voted in the affirmative and 175 in the negative, the motion to substitute failed.

Question being on the adoption of the Majority amendment.

Amendment

Amend RSA 151-C:2, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. "Bed Capacity" means the total number of licensed beds in a facility licensed under RSA 151; or in the case of state facilities, it means the total number of beds in service.

Amend RSA 151-C:2, X as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

X. "To develop", when used in connection with health services, means to undertake any activity which, upon its completion, will result in the offering of a new institutional health service, or includes the incurring of a financial obligation, as defined by applicable law of the state of New Hampshire, related to the offering or development of such service.

Amend RSA 151-C:2, XVI as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

XVI. "Health services" means clinically related diagnostic, treatment, or rehabilitative services, as well as preventive services, and includes without limitation alcohol, drug abuse and mental health services.

Amend RSA 151-C:3 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. Nothing in this chapter shall in any way modify the authority of the insurance commissioner to regulate health maintenance organizations under RSA 420-B.

Amend RSA 151-C:4, I (b) (1) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(1) A "capital expenditure" includes the total cost of the proposed project based on preliminary plans or specifications.

Amend RSA 151-C:4, I (b) (2) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(2) For purposes of this chapter, a capital expenditure includes the purchase of real property for future use or the transfer of ownership, in whole or in part, of an existing health care facility, or the acquisition of all or substantially all of the assets or stock thereof.

Amend RSA 151-C:4, I (b) (3) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(3) For purposes of this subparagraph, the cost of studies, surveys, legal fees, land, offsite improvements, designs, plans, working drawings, and specifications, essential to the acquisition, improvement, or expansion of the physical plant and equipment with respect to which such expenditure is made shall be included in determining whether the total cost of the project exceeds \$150,000. Where the estimated cost of a proposed project, including cost escalation factors appropriate to the area in which the project is located, is determined by the applicant to be \$150,000 or less, and then exceeds \$150,000, such cost overrun shall cause the proposed project to be subject to review.

Amend RSA 151-C:4, I (c) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(c) Acquisition by purchase, by donation, or by lease or other comparable arrangement, by or on behalf of a health care provider, of diagnostic or therapeutic equipment for which the cost, or in the case of a donation the value, is in excess of \$150,000. For purposes of this subparagraph, the purchase or lease of one or more articles of diagnostic or therapeutic equipment which are necessarily interdependent in the performance of their ordinary functions, as determined by the state agency, shall be considered together in calculating the amount of an expenditure. The state agency's determination of functional interdependence of items of equipment under this subparagraph shall have the effect of a final decision and is subject to appeal under RSA 151-C:9;

Amend RSA 151-C:4, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. If the state agency determines that a person required to obtain a certificate of need under this chapter has separated a single project into components in order to avoid cost thresholds or other requirements under this chapter, the person shall be required to submit to the state agency an application for a certificate of need for the entire project. The state agency's determination under this paragraph shall have the effect of a final decision and is subject to appeal under RSA 151-C:9.

Amend RSA 151-C:5, I (a) (1) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(1) Private offices or private clinics of physicians, dentists, or other practitioners of the healing arts, meaning the physical places which are occupied by such providers on a regular basis in which such providers perform the range of diagnostic and treatment services usually performed by such providers on an outpatient basis;

Amend RSA 151-C:5, I (a) (3) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(3) Infirmaries owned or operated by educational institutions;

Amend RSA 151-C:5, I (a) (5) and (6) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(5) Institutions or homes which provide remedial care or treatment only to residents or patients who rely solely upon treatment by prayer or spiritual means in accordance with the creed or attendance of any recognized church or religious denomination;

(6) Health services which are not included in the scope of coverage of the state's program for review of new institutional health services, as provided in this chapter, and as described and published pursuant to RSA 151-C:7, I, (h); and

(7) Home health agencies which are designated as non-profit and have tax-exempt status under section 501 (c) (3) of the Internal Revenue Code.

Amend RSA 151-C:5, II (d) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(d) A refusal by the state agency to grant a certificate of exemption regarding an application made pursuant to this paragraph shall be deemed to have the effect of a final decision of the state agency and shall be subject to appeal under RSA 151-C:9.

Amend RSA 151-C:6, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. In making its determination as to whether a certificate of need shall be issued, the state agency and the designated health systems agency shall consider only the criteria which have been duly adopted and published in accordance with the requirements of this chapter as of the date of notification of the beginning of the review period. At a minimum, such criteria shall include:

Amend RSA 151-C:6, I (c) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(c) The relationship of the proposed new institutional health service to the long-range development plan of the applicant proposing such service;

Amend RSA 151-C:6, I (e) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(e) The availability of less costly or more effective alternative methods of providing such service;

Amend RSA 151-C:6, I (n) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(n) In the case of a construction project: (1) the costs and methods of the proposed construction, including the costs and methods of energy provision, and (2) the probable impact of the construction project reviewed on the cost of providing health services by the applicant proposing such construction projects;

Amend RSA 151-C:6, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The application of the above stated criteria set forth in this section may vary according to the purpose for which a particular review is being conducted or the

type of health service reviewed. Except where specifically otherwise indicated in this chapter, applicants for certificate of need shall bear the burden of production of evidence and information to which they have ready access or which they are readily capable of compiling. For the purposes of RSA 151-C:6, I, (h), (c), (d), (f), (g), (h), (j), (k), (l), (m), (n), and (o), the burden of producing information and evidence regarding the criteria contained therein is upon the applicant. For RSA 151-C:6, I, (e) and (i) the burden of producing information and evidence regarding the criteria contained therein is upon the state agency.

Amend RSA 151-C:7, I (a) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(a) Develop a comprehensive mailing list of the state's health care facilities, health maintenance organizations, and any other person who, annually and in writing, requests inclusion on the list. The state agency shall maintain this comprehensive mailing list and shall make revisions to update it annually; and

Amend RSA 151-C:7, I (b) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(b) Disseminate to all health care facilities, health maintenance organizations, and other persons included on its comprehensive mailing list, and shall publish in one or more newspapers of general circulation in the state, and in one or more newspapers of general circulation within each county, a description of the scope of coverage of its program for review of new institutional health services, including the activities covered in RSA 151-C:4 and 5. Whenever the scope of such coverage is revised, the state agency shall disseminate and publish a revised description thereof, as provided in this subparagraph.

Amend RSA 151-C:7, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. Any health care provider who proposes to offer or develop any health care service subject to review under this chapter shall submit to the state agency annual reports, long-range plans, and any revisions to such long-range plans, regarding the development of proposals for such services. For purposes of this paragraph, annual reports and long-range plans shall mean any reports or plans required for licensing, reimbursement or other purposes by any other governmental agency or accrediting body. The state agency shall maintain these materials in a form suitable for ready inspection by the public.

Amend RSA 151-C:7, V as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

V. Within 5 business days of receipt of the letter of intent, the state agency shall cause notification thereof to be published in other than the legal notices section of one or more newspapers of general circulation in the state, and in one or more newspapers of general circulation in the service area of the facility to be reviewed. The state agency shall also provide all "affected persons," as defined in this paragraph, with written notification

of the receipt of a letter of intent. Such notification shall state the name of the applicant; the date of receipt of the letter of intent; the nature of the proposed project; and shall state that any competing application must be received within 60 days of the date of receipt of the applicant's letter of intent. For purposes of this paragraph, "affected persons" include the applicant; health systems agencies contiguous to the health service area in which the proposed new institutional health service is to be offered or developed; all health care facilities and health maintenance organizations included on the comprehensive mailing list developed and maintained by the state agency pursuant to paragraph I of this section; the New Hampshire Hospital Association; the New Hampshire Medical Society; and third-party payers licensed and doing business in the state. Notification of "affected persons" shall be by mail.

Amend RSA 151-C:7, VIII (b) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(b) Any applicant whose application is deemed incomplete shall be allowed 15 days, from the date of receipt of the notification of incompleteness, to provide the required additional information. The applicant shall provide no more than the required additional information. The state agency and appropriate health systems agency shall then review the additional information provided by the applicant, and, if the additional informational requirements are satisfied, the application shall be deemed complete and the applicant shall be so notified by certified mail. If the application is still found to be incomplete, the state agency shall notify the applicant thereof within 5 business days of receipt of the additional information. If no such notification is provided to the applicant by the state agency within the 5 business days period, the application will be deemed to be complete.

Amend RSA 151-C:7, XI - XIV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

XI. Within 5 business days of completion of the completeness review as provided in paragraph VIII of this section, the state agency shall notify any qualified applicant, in writing, that formal review of the application has begun and shall cause notification to be published in other than the legal notices section of one or more newspapers of general circulation in the state, and in one or more newspapers of general circulation in the service area of the facility to be reviewed, such notification to be in compliance with the requirements of this paragraph. The state agency shall provide all "affected persons," as defined in this paragraph, with written notification of the beginning of a review. Such notification shall include a statement that review has begun; the proposed schedule for reviews by the appropriate health systems agency and by the state agency, respectively; the period within which a public hearing may be requested by persons

directly affected by the review, which period may not be less than 21 days from the date of the written notification of the beginning of the review required by this paragraph; and the manner in which there will be notification of the time and place of any public hearings so requested. For the purposes of this paragraph, "affected persons" include the health systems agency for the health service area in which the proposed new institutional health service is to be offered or developed; health systems agencies for contiguous health service areas; all health care facilities and health maintenance organizations included on the comprehensive mailing list developed and maintained by the state agency pursuant to RSA 151-C:7, I; the New Hampshire Hospital Association; the New Hampshire Medical Society; third-party payers licensed and doing business in this state; and members of the public who are to be served by the proposed new institutional health service. For the purposes of this paragraph, notification of all qualified applicants and of the health systems agency for the health service area in which the proposed new institutional health service is to be offered or developed shall be by certified mail. Notification to contiguous health systems agencies and to health care facilities, health maintenance organizations, the New Hampshire Hospital Association, the New Hampshire Medical Society, and third-party payers licensed and doing business in the state shall be by mail. Notification to members of the public shall be by the publication required in this paragraph.

XII. The date on which notification is sent to qualified applicants, or the date on which notification to the members of the public first appears in a newspaper published in the state, whichever occurs later, shall be deemed to be the date of notification and shall be deemed the beginning date of the review cycle of the state agency and of the health systems agency for the health service area in which the proposed new institutional health service is to be offered or developed.

XIII. (a) The state agency shall adopt schedules for reviews which provide that no review by the state agency shall, to the extent practicable, take longer than 90 days from the beginning of the review cycle to the date of a final decision of the state agency. In accordance with the requirements of RSA 151-C:10, the state agency shall adopt "exception" criteria for determining when it would not be practicable to complete a review within 90 days. If an application clearly meets such "exception" criteria, the agency may provide for a single extension of the review period for a total of 30 days beyond the initial 90-day period. Except where an applicant is granted an extension as provided in subparagraph (b), the total period for review of a proposed new institutional health service shall not extend beyond 120 days following the date of notification.

(b) The state agency may grant an extension, not to exceed 60 days, to any qualified applicant requesting such extension.

XIV. The state agency shall adopt rules and regulations governing procedures for the expeditious processing of emergency applications and of applications for projects which are solely for the purpose of complying with the requirements of law or regulations, including projects necessary for compliance with life and health safety code standards. Emergency applications filed with the state agency shall be filed concurrently with the appropriate health systems agency. Emergency applications include applications regarding expenditures for replacement, repair, rebuilding, or re-equipping of any part of a health care facility or health maintenance organization destroyed or damaged as the result of fire, storm, flood, act of God, or civil disturbance, or any other circumstances where the state agency finds that the circumstances require action by the state agency in less time than normally required for review.

Amend RSA 151-C:7, XIX as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

XIX. The state agency and each designated health systems agency, respectively, shall provide in its review procedures for a public hearing in the course of agency review if requested within 21 days of the beginning of the review period by one or more persons directly affected by the review. For purposes of this paragraph, "persons directly affected by the review" include the persons whose proposals are being reviewed; members of the public who are to be served by the proposed new institutional health service; all health care providers located in the state; any third-party payer licensed and doing business in the state; and any health care facility, health maintenance organization, or health care provider, located in a contiguous health systems area, which, prior to receipt by the state agency of the proposal being reviewed, has formally indicated, either through the filing of a letter of intent or by explicit indication in a long-range plan or annual report, an intention to provide such similar service in the future. Where such a hearing is requested, the state agency shall, prior to such hearing, provide notice of such hearing in accordance with the notification provisions in RSA 151-C:7, XI. The procedures for a public hearing during the course of state agency review must include an opportunity for any person to present testimony regarding the proposed new institutional health service, the right of any person testifying to be accompanied and advised by legal counsel, the right of any qualified applicant to cross-examine witnesses, and the establishment of a formal record of the hearing. The state agency may, by rule, waive the requirement of a public hearing in the course of review by the state agency if an opportunity for a public hearing with respect to the proposed new institutional health service has been provided by the health systems agency for the health service area in which such service is to be offered or developed, with notice and due process requirements equivalent to those contained in this

paragraph. Neither the state agency nor the health systems agency may impose any fee for such a public hearing.

Amend RSA 151-C:7, XXI as inserted by section 1 of the bill by striking out same.

Amend RSA 151-C:8-10 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

151-C:8 Recommendation and Decision Regarding Certificate of Need; Issuance of Certificate of Need; Reconsideration.

I. Upon the completion of its review of an application for certificate of need, the designated health systems agency for the health service area in which the proposed new institutional health service is to be offered or developed shall promptly transmit to the state agency its recommendation regarding the issuance of a certificate of need for the proposal, written findings, and the basis for such findings. Such recommendation shall be based solely upon the evidence introduced into the record and facts which have been officially noticed. The health systems agency's recommendation must be for approval, for denial or for an approval with conditions. In recommending an approval with conditions, the health systems agency shall not recommend any new institutional health service not proposed by the applicant or recommend the deletion of any existing service. The conditions contained in a conditional approval recommendation by the health systems agency must bear a direct and rational relationship to the project proposed by the applicant and to the criteria to be used in reviewing the application. The health systems agency shall submit to the state agency and to persons proposing the new institutional health service a summary of all oral presentations and a copy of all written materials submitted during the course of review of the application by any health systems agency.

II. Upon the completion of its review, the state agency shall render a final decision on the application, based solely upon established criteria, the evidence introduced into the record, and facts which have been officially noticed. The decision shall be in the form of an approval, a denial, or an approval with conditions. In granting an approval with conditions, the state agency does not have the authority to mandate any new institutional health service not proposed by the applicant or to mandate the deletion of any existing service. The conditions contained in a conditional approval issued by the state agency must bear a direct and rational relationship to the project proposed by the applicant and to the criteria to be used in reviewing the application. The state agency shall send its decision, along with written findings and a statement of the bases thereof, to the person proposing the new institutional health service; to the health systems agency for the health service area in which the new service is proposed to be offered or developed; and to others upon request. In the case of a final decision to approve, or to approve with conditions, an application regarding a proposed new institutional health service, the state agency shall issue a certificate of need to the applicant. If

the state agency fails to make a final decision within the time period specified for the review the application shall be deemed to be denied.

III. The state agency shall submit to the health systems agency for review a detailed, written statement of the reasons for the denial of an application for a certificate of need.

IV. If the decision of the state agency is inconsistent with the recommendation of the health systems agency, the state agency shall submit to the health systems agency a detailed statement of the reasons for any such inconsistency.

V. (a) Any person for good cause shown may request in writing a public hearing for purposes of reconsideration of a final decision of the state agency. The state agency shall adopt appropriate procedures for such a hearing. No fee may be imposed for the hearing. For purposes of this paragraph, a request for a reconsideration hearing shall be deemed to have shown good cause if it:

(1) Presents significant, relevant information not previously considered by the state agency; or

(2) Demonstrates that there have been significant changes in factors or circumstances relied upon by the state agency in reaching its decision; or

(3) Demonstrates that the state agency has materially failed to follow its adopted procedures in reaching its decision; or

(4) Provides such other basis for a public hearing as the state agency shall determine constitutes good cause.

(b) To be effective, a request for such a reconsideration hearing must be received by the state agency within 15 business days of the state agency's decision. If granted, the hearing shall commence within 30 days of receipt of the request. At least 14 days prior to the reconsideration hearing, notification of such hearing shall be sent to the person requesting the hearing, the persons proposing the new institutional health service, and the health systems agency for the health service area in which the new institutional health service is proposed to be offered or developed, and shall be sent to others upon request. Within 15 business days after the conclusion of such hearing, the state agency shall make written findings which state the basis for its decision. Said decision shall be considered the final decision of the state agency. If the decision of the state agency is inconsistent with the recommendation of the health systems agency, the state agency shall submit to the health systems agency a detailed statement of the reasons for any such inconsistency.

151-C:9 Appeals to the Supreme Court.

I. The health systems agency or any person submitting an application for a certificate of need, if either is aggrieved or dissatisfied with the decision of the state agency, shall have the right, upon a petition which provides a detailed statement of the grounds upon which the decision of the state agency is claimed to be erroneous and contrary to the facts and the law, to appeal from said decision to the supreme court pursuant to RSA 541.

II. The provisions of RSA 541 shall govern all appeals under this section.

151-C:10 Promulgation of Additional Rules and Regulations.

I. The state agency may adopt reasonable rules and regulations governing review of certificate of need applications consistent with and necessary to the proper administration of this chapter including rules providing for the quarterly review of applications. All rules and regulations shall be adopted pursuant to RSA 541-A and as described herein, except that in the case of an irreconcilable conflict between the provisions of RSA 541-A and the provisions of this section, the provisions of this section shall control. In addition, before adopting proposed rules and regulations:

(a) The state agency shall distribute copies of its proposed rules and regulations, and proposed revisions thereof, to:

(1) Statewide health agencies and organizations;

(2) The Statewide Health Coordinating Council;

(3) Each designated health systems agency for a health service area located in whole or in part within the state;

(4) All health care facilities, health maintenance organizations, and other persons on the state agency's comprehensive mailing list; and

(b) At least 45 days prior to the adoption, amendment, or repeal of any rule, the state agency shall send by mail to all persons included on the comprehensive mailing list and shall publish, in at least one newspaper in each planning and development region in the state, a notice stating that rules and regulations for the review of certificate of need applications or any revisions thereof have been proposed for adoption and are available at specified addresses for inspection and copying by interested persons. Such notice shall appear in other than the legal notices section of such newspapers; in addition, notice may be given through other public information channels.

II. The state agency shall distribute copies of its adopted rules and regulations, and any revisions thereof, to the persons required to be given notice in subparagraph I (b), and to the federal Secretary of Health, Education, and Welfare, and shall provide such copies to other persons upon request.

III. To the extent that authority under this chapter is delegated to the health systems agencies by the state agency, and in accordance with the procedural requirements which apply to the state agency pursuant to this chapter, each designated health systems agency located in the state shall promulgate rules and regulations for its review of certificate of need applications. To the extent practicable, the rules and regulations promulgated by each designated health systems agency shall be coordinated with, consistent with, and in conformity with the rules and regulations adopted by the state agency.

Amend RSA 151-C:12, VII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VII. Actions of the state agency pursuant to this section have the effect of a final decision and are subject to appeal under RSA 151-C:9.

Amend RSA 151-C:13, I (b) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(b) The state shall not furnish from any reimbursement program administered by the state, nor shall any entity chartered under the laws of New Hampshire or any person licensed and doing business in the state, provide reimbursement for any new institutional health service offered or developed in contravention of the requirements of this chapter.

Amend RSA 151-C:13, I (c) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(c) Any person who violates this chapter or rules adopted hereunder shall be subject to a civil penalty of \$1,000 for each violation which shall not be reimbursed under subparagraph I (b).

(d) In addition to all other sanctions, if any person offers or develops any new institutional health service without first having been issued a certificate of need or certificate of exemption therefore, or violates any other provision of this chapter or any lawful rule or regulation promulgated thereunder, upon the posting of a bond or security, the state agency, health systems agency, health care facilities, health maintenance organizations, and health care providers located in the state shall have standing to maintain a civil action in the superior court of the county wherein such alleged violation has occurred, or wherein such person may be found, to enjoin, restrain, or prevent such violation. Upon written request by the state agency, it shall be the duty of the attorney general of the state to furnish such legal services as may be appropriate and to prosecute such action for injunctive relief to an appropriate conclusion.

Amend RSA 151-C as inserted by section 1 of the bill by inserting after RSA 151-C:15 the following:

151-C:16 Commission.

I. The state health coordinating council is hereby designated as the commission to study and assess the state's certificate of need program and shall determine the following:

(a) The impact of the certificate of need program on health care costs;

(b) The impact of the certificate of need program on the allocation of health care resources; and

(c) The relationships between the certificate of need program and other health planning and regulatory activities, on both the federal and state levels.

II. On or before July 1, 1981, and each biennium thereafter, the commission shall prepare and submit a report and its recommendations to the governor, the president of the senate, the speaker of the house of representatives and the director of the office of health planning and development.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Federal Statutes and Regulations. Any federal statute or regulation taking effect subsequent to the effective date of this act shall supersede this act.

3 Appropriation. For each of the fiscal years ending June 30, 1980, and ending June 30, 1981:

I. The sum of \$400,000 is hereby appropriated to the state agency for the performance of its health planning and regulatory functions, as follows:

(a) \$100,000 from the state's general funds; and

(b) \$300,000 from the federal funds.

II. The governor is authorized to draw his warrant for said sums out of the appropriate funds.

4 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Question being on the committee report, Ought to Pass with Amendment.

On a voice vote, the Speaker was in doubt and requested a roll call.

(Speaker presiding)
YEAS 194 NAYS 102
YEAS 194

BELKNAP: Beard, Birch, Bordeaux, Bowler, Gary Dionne, French, Hildreth, Mansfield, Morin, Nighswander, Randall, Sabbow and Sanders.

CARROLL: Chase, Desjardins, Howard, Keller and Kenneth MacDonald.

CHESHIRE: Baybutt, Jesse Davis, Daniel Eaton, Kohl, Ladd, Lynch, Miller, Nims, Proctor and Russell.

COOS: Brungot, Burns, Fortier, Guay, Bradley Haynes, Hunt, Willev and Wiswell.

GRAFTON: Chambers, Clark, Copenhaver, Crory, Dearborn, Michael King, Logan, Mann, McIver, Rounds, Seely, Taffe, Walter and Ward.

HILLSBOROUGH: Bosse, Boyer, Burkush, Carswell, Corser, Craig, Catherine-Ann Day, L. Penny Dion, Donovan, Beverly Dupont, Joseph Eaton, Nancy Gagnon, Gelinas, Heald, Hendrick, Thomas Hynes, Kaklamanos, McCarthy, Milton Mevers, Morgan, Morrison, Fred Murray, Nardi, Nemzoff-Berman, Odell, Pappas, Pastor, Peters, Plomaritis, Proulx, Peter Ramsev, Reidy, Roy, Sallada, Edward Smith, Leonard Smith, Soucy, Stahl, James Sullivan, Vachon, Van Loan, Wallin, Welch, Robert Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Allgeyer, Bellerose, Blakenev, Bodi, Carroll, Epstein, Holliday, McLane, O'Neill, Packard, Paire, Randlett, Doris Riley, William Roberts, Selway, Stio, Stockman, Stokes, Trachy, Rick Trombly, Underwood, Ernest Valliere and Wiviott.

ROCKINGHAM: Appel, Benton, Blake, Blanchette, William Boucher, Butler, Carpenito, Connors, Patricia Cote, Dunfev, Felch, Flanagan, Joseph Flvnn, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Griffin,

Hartford, Jackson, Kashulines, Roger King, Krasker, Lavcock, Leslie, Lovejoy, Joseph MacDonald, McEachern, Norman Myers, Newell, Newman, Pantelakos, Parolise, Parr, Peterson, Pevear, Pucci, Quimby, Reese, Schmidtchen, Skinner, Freda Smith, Stickney, Stimmell, Svtok, Tavitian, Tufts, Helen Wilson, Woinowski and Wolfsen.

STRAFFORD: Burchell, Cannev, DeNafio, Farnham, Gauvin, Gosselin, Dianne Herchek, James Herchek, Lessard, McManus, Meader, Nadeau, Pine, Prav, Preston, Robinson, Sackett, Donald Smith, Vallev, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: David Campbell and Townsend.

NAYS 102

BELKNAP: Hanson.

CARROLL: Roderick Allen and Towle.

CHESHIRE: Crane, Ernst, Johnson, Matson, O'Connor, Scranton, Vrakatitsis and Jean White.

COOS: Elmer Beaulac, Chappell, Horton and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Christy, Foster, Low, Lowmes, McAvoy, Pepitone, Thomson and Andrew Ware.

HILLSBOROUGH: Archambault, Aubut, Compagna, Corey, Joseph Cote, Drewniak, Clyde Eaton, Gabrielle Gagnon, Granger, Sal Grasso, Healy, Howard Humphrey, Janro, Karnis, Lahombarde, Levesque, Martel, Mazur, Mulligan, Naro, Peter Parady, Perkins, Podles, Polak, David Ramsay, Record, Paul Riley, Silva, Steiner, Thiheault, Rock Tremblay, Wallace, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler and Zajdel.

MERRIMACK: Bibbo, Laurent Boucher, John Cate, Clements, Daniell, James Humphrey, LaBranche, Locke, Mitchell, Nichols, Ralph, Shepard and Waters.

ROCKINGHAM: Bishee, Roy Davis, Fllyson, Kane, Kozacka, Landry, LoFranc, Nelson, Rogers, Vlack and Warburton.

STRAFFORD: Ronald Chagnon, Drew, Joos and Tripp.

SULLIVAN: Edmund Belak, Brodeur, Cutting, Domini, Sim Cray, LeBrun, Spaulding, Tucker, Wiggins and Williamson, and the committee report was adopted.

Referred to Appropriations.

HR 429, establishing the position of a director of children's services within the office of the division of mental health and making an appropriation therefor. Inexpedient to Legislate.

This bill would establish an office for children in the Department of Mental Health. The Committee felt that a better approach to meeting the needs of children would be an Office of Youth Services which would coordinate services in all of our state departments. In

light of limited funding, the Committee felt that it should not promote a piecemeal approach in individual departments. The Committee is in agreement that this legislature should look at the needs and rights of our state's children. Vote was 12-4. Rep. Eugene S. Daniell, Jr. for Health and Welfare.

Resolution adopted.

HB 467, to reestablish the detoxification and rehabilitation of alcoholics programs within the division of public health services and establishing a fund therefor. Ought to Pass with Amendment.

HB 467 reestablishes the detoxification program to aid those people in our state who are victims of alcoholism. The funding mechanism is based on the philosophy that since the state gains a great deal of revenue from liquor sales it should divert some of that revenue to assisting alcoholics. The bill is consistent with two other bills which have been introduced to comprehensively deal with alcohol abuse. Vote was 12-6. Rep. Patricia J. Blanchette for Health and Welfare.

Amendment

Amend the title of the bill by striking out same and inserting in place the following:

AN ACT

to establish the detoxification and rehabilitation of alcoholics program within the office of substance abuse and establishing a fund therefor.

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Reestablishment of Program. Amend RSA 172:10 as amended by striking out said section and inserting in place thereof the following:

172:10 Facilities and Personnel. On the recommendation of the director, the office of substance abuse shall contract for such educational, research, casework, institutional, medical facilities, personnel and services of public or private agencies as are necessary or desirable to carry out the provisions of this chapter. On recommendation of the director, the office of substance abuse may assign for training such medical, technical and clinical personnel as may be desirable.

2 Special Fund. Amend RSA 172:14, IV by striking out said paragraph and inserting in place thereof the following:

IV. The office of substance abuse is authorized to establish a revolving fund from its appropriation or from funds allotted for the office by the governor and council upon petition of the director therefor, and from the revenues acquired pursuant to RSA 176:14-a and any gifts or grants from any source including the federal government. The revolving fund shall be used for interest-free loans to finance the

expenses of the costs of care, custody, treatment and rehabilitation of its patients, for facilities and personnel and for any other necessary expenses to properly implement this chapter.

Amend the bill by striking out sections 4 and 5 and inserting in place thereof the following:

4 Substance Abuse Fund. Amend RSA 176 by inserting after section 14 the following new section:

176:14-a Substance Abuse Fund. One percent of all net revenue derived by the commission from the sale of liquor and from issuance of licenses to manufacture or sell liquor, after the expenses of operation have been deducted, plus all funds received pursuant to RSA 181:33, shall be transmitted to the state treasurer on or before the tenth day of each month. The treasurer shall deposit said monies in the same account in which are deposited funds appropriated to the office of substance abuse. Said monies are hereby appropriated for the office of substance abuse and may be so expended. These funds are in addition to any other funds allocated to said office and shall not be transferred or used for any other purpose and are a continuing appropriation which shall not lapse.

5 Fund for Substance Abuse Program. Amend RSA 181:33 by striking out said section and inserting in place thereof the following:

181:33 Disposition of Revenue. All income received under RSA 181 shall be paid by the commission to the state treasurer. The expense of administration and other expenditures provided for hereby shall be paid by the state treasurer on warrants of the governor with the advice and consent of the council. The balance of said revenue shall be covered into the general funds of the state; provided, however, that one percent of the balance of said revenue shall be deposited in the office of substance abuse account as provided in RSA 176:14-a.

Amendment adopted.

Referred to Appropriations.

HB 474, making an appropriation to the division of mental health to permit implementation of community mental health programs. Ought to Pass with Amendment.

This bill provides the Division of Mental Health with the capability of carrying out its statutory function established in RSA 126-B. This capability is crucial to the successful implementation of the de-institutionalization program and to allowing additional funds to flow to the community mental health centers. Vote was 12-3. Rep. Matthew S. Epstein for Health and Welfare.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The following sums are hereby appropriated to the division of mental health, department of health and welfare for the purpose of implementing RSA 126-B:5, 7 and 11, as follows:

3 Program Auditors - LG 27

			FY 80
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Salary	(10)	\$ 48,774
Current Expenses	(20)	600
Equipment	(30)	2,085
Benefits	(60)	7,644
Travel, In-State	(70)	3,000

Internal Auditor II - LG 20

Salary	(10)	12,114
Current Expenses	(20)	300
Equipment	(30)	695
Benefits	(60)	1,938
Travel, In-State	(70)	1,000

Public Education Coordinator - LG 25

Salary	(10)	15,308
Current Expenses	(20)	200
Equipment	(30)	695
Benefits	(60)	2,449
Travel, In-State	(70)	800
Materials, media, consultants	(90)	15,000

FY 80

4 Clerk-Stenographer III - LG 8

Salary	(10)	31,156
Current Expenses	(20)	200
Equipment	(30)	4,960
Benefits	(60)	4,984

Staff Training

Case Managers, Group Home Workers,
Community Mental Health
Agency Staff \$ 50,000

Senior Management Information

Systems Analyst - LG 30

Salary	(10)	17,755
Current Expenses	(20)	300
Equipment	(30)	695
Benefits	(60)	2,842
Travel, In-State	(70)	100
Other (computer time)	(90)	45,000
TOTAL		\$270,604

FY 81

3 Program Auditors - LG 27

Salary	(10)	\$51,492
Current Expenses	(20)	600
Equipment	(30)	-0-
Benefits	(60)	8,239
Travel, In-State	(70)	3,000

Internal Auditor II - LG 20

Salary	(10)	17,755
Current Expenses	(20)	300
Equipment	(30)	-0-
Benefits	(60)	2,041
Travel, In-State	(70)	1,000

Public Education Coordinator - LG 25

Salary	(10)	16,179
Current Expenses	(20)	200
Equipment	(30)	-0-
Benefits	(60)	2,589
Travel, In-State	(70)	800

Materials, media, consultants	(90)	15,000
		FY 81

4 Clerk-Stenographer III - LG 8

Salary	(10)	32,416
Current Expenses	(20)	200
Equipment	(30)	-0-
Benefits	(60)	5,188

Staff Training

Case Managers, Group Home Workers,
Community Mental Health
Agency Staff \$50,000

Senior Management Information
Systems Analyst - LG 30

Salary	(10)	18,811
Current Expenses	(20)	300
Equipment	(30)	-0-
Benefits	(60)	3,010
Travel, In-State	(70)	100
Other (computer time)	(90)	45,000

TOTAL \$269,220

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

HB 476, establishing a unified medical examination system. Ought to Pass with Amendment.

The Committee felt that this bill is much needed and well overdue in New Hampshire. It was testified that unifying our medical examination system will enable us to work better with the other New England states as well as within our own state. This will would also assist law enforcement agencies greatly. We are the last state in New England to do this. Committee vote was 13-7. Rep. Thomas J. Pappas for Judiciary.

Amendment

Amend RSA 611-A:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

611-A:1 State Medical Examiner. There is hereby established the office of state medical examiner. The office shall be under the immediate supervision of a person, who shall be known as the "state medical examiner" and who shall be a duly licensed physician, certified by the American Board of Pathology to possess special competence in forensic pathology, and who has had experience in forensic medicine. He shall be appointed by the governor and council, and shall serve for a term of 5 years and until his successor is appointed and has qualified, unless sooner removed by the governor and council for cause, in accordance with the provisions of RSA 4:1. He or his designee shall be continually available for emergency consultation as necessary for carrying out the functions of

this office. The state medical examiner shall be subject to direction and control by the attorney general in all matters relating to the enforcement of the criminal law. He shall have the authority to adopt rules, pursuant to RSA 541-A, relative to:

I. The proper conduct of medical examinations into the cause of death;

II. The proper methods and procedures for examinations conducted by county medical referees pursuant to RSA 611:4; and

III. The examination of substances taken from dead bodies or human remains in order to determine the manner of death, provided that such examinations shall be conducted, whenever possible, at existing qualified state facilities.

Amendment adopted.

Referred to Appropriations.

Rep. Healy notified the Clerk that he wished to be recorded against HB 476.

HB 302, providing a "whole man" schedule award under the workmen's compensation act. Inexpedient to Legislate.

The Committee vote on this bill was 12-3. The "whole man" schedule award would not improve the New Hampshire Workmen's Compensation Law; it would open up an entirely new category and would not benefit the injured worker to the degree that the current law does.

The cost factor for this concept would increase rates and take away from the current scheduled awards section, and reduce benefit options in the Law. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

Resolution adopted.

HB 308, relative to creating a committee to study the establishing of a state uniform mapping agency. Inexpedient to Legislate.

Committee reports this bill on a 12-1 vote as Inexpedient to Legislate for the following reasons: (a) agencies have diverse needs served by different maps for those different functions; (b) no evidence of public need or support; (c) concern over creation of additional state agency. Rep. David L. Gosselin for Legislative Administration.

Resolution adopted.

HB 357, increasing the legislative mileage allowance. Ought to Pass with Amendment.

Gasoline has more than doubled in price since 1965 - 38¢ then, to 81¢ in 1979. Compensation now does not cover cost of gasoline to and from Concord. Vote was 10-5. Rep. Ednappearl F. Parr for Legislative Administration.

Rep. Newman moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to his motion.

Reps. French, Coutermarsh and Vrakatitsis spoke against the motion.

Rep. French and Newman yielded to questions.

Rep. Parr moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 78 NAYS 236

YEAS 78

BELKNAP: Bordeau, French and Hanson.

CARROLL: Roderick Allen, Dickinson and Keller.

CHESHIRE: Jesse Davis, Ernst and Scranton.

COOS: Willev.

GRAFTON: Aldrich, Ira Allen, George Cate, Christy, Clark, Low, Thomson and Andrew Ware.

HILLSBOROUGH: Aubut, Bosse, Boyer, Corser, Joseph Cote, Craig, Beverly Dupont, Granger, Thomas Hynes, Mazur, Nardi, Nemzoff-Berman, Pastor, Podles, Proulx, Sallada, Weaver, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Allgever, Blakeney, Laurent Boucher, Carroll, Clements, Daniell, Epstein, Locke, O'Neill, Randlett, Doris Rilev, Stokes and Rick Tromblv.

ROCKINGHAM: Benton, Bisbee, William Boucher, Roy Davis, Dunfev, Greene, Kane, Nelson, Newman, Pantelakos, Reese and Sytek.

STRAFFORD: Ronald Chagnon, DeNafio, Farnham, Gosselin, Joos, Lessard, McManus, Pray, Dennis Ramsey, Valley and Vaughan.

SULLIVAN: Edmund Belak, Brodeur, Cutting, Wiggins and Williamson.

NAYS 236

BELKNAP: Beard, Birch, Bowler, Gary Dionne, Hildreth, Mansfield, Morin, Randall, Sabbow and Sanders.

CARROLL: Chase, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Crane, Daniel Eaton, Galloway, Johnson, Kohl, Ladd, Lynch, Matson, Miller, Moore, Nims, O'Connor, Proctor, Margaret Ramsay, Russell, Vrakatitsis and Jean White.

COOS: Elmer Beaulac, Brungot, Burns, Chappell, Fortier, Guav, Bradley Hynes, Horton, Hunt, Wiswell and York.

GRAFTON: Buckman, Chambers, Copenhaver, Crory, Dearborn, Foster, Michael King, Logan, Lowmes, Mann, McAvov, McIver, Pepitone, Rounds, Seely, Taffe, Walter and Ward.

HILLSBOROUGH: Archambault, Aris, Wilfrid Boisvert, Burkush, Carswell, Compagna, Corey, Coutermarsh, Catherine-Ann Dav, L. Penny Dion, Donovan, Drewniak, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Sal Grasso, Guidi, Heald, Healy, Hendrick, Howard Humphrey, Jamrog, Kaklamanos, Karnis, Labombarde, Lamy, Lefebvre, Roland Lemire, Levesque, Martel, McCarthy, McLaughlin, Milton Mevers, Morgan, Morrison, Mulligan,

Murray, Naro, Odell, Pappas, Peter Parady, Perkins, Peters, Plomaritis, Polak, David Ramsav, Record, Reidy, Paul Riley, Roy, Silva, Edward Smith, Leonard Smith, Soucy, Stahl, Steiner, James Sullivan, Thibeault, Rock Tremblay, Vachon, Van Loan, Wallace, Wallin, Eliot Ware, Welch, Robert Wheeler, James J. White, M. Arnold Wight and Zajdel.

MERRIMACK: Bellerose, Bibbo, Bodi, John Cate, Milton Cate, Holliday, James Humphrey, Kidder, LaBranche, McLane, Mitchell, Nichols, Packard, Paire, Plourde, Ralph, William Roberts, Selway, Shepard, Gerald Smith, Stio, Stockman, Trachy, Underwood, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Appel, Blake, Butler, Marilyn Campbell, Carpenito, Collins, Connors, Patricia Cote, Robert Day, Ellyson, Felch, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Griffin, Hartford, Hoar, Jackson, Kashulines, Keenan, Roger King, Kozacka, Krasker, Landry, Laycock, Leslie, LoFranco, Lovejoy, Joseph MacDonald, McEachern, Norman Myers, Newell, Parolise, Parr, Peterson, Pevear, Pucci, Quimby, Rogers, Schmidtchen, Skinner, Freda Smith, Splaine, Stickney, Stimmell, Tavitian, Tufts, Vlack, Warburton, Helen Wilson and Wolfson.

STRAFFORD: Burchell, Canney, Drew, Gauvin, Dianne Herchek, Meader, Morrisette, Nadeau, Pine, Preston, Robinson, Sackett, Donald Smith, Tripp, Whitehead and Allen Wilson.

SULLIVAN: David Campbell, D'Amante, Domini, Sim Gray, LeBrun, Palmer, Townsend and Tucker, and the motion lost.

Question being on the committee amendment.

Amendment

Amend RSA 14:15-a, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. A member of the general court shall be allowed mileage per mile of the round trip to and from his home to the state house in Concord each day of attendance at the following rates:

For the first 45 miles thereof, \$.38 per mile; and for all miles in excess of 45 miles, \$.10 per mile. When the consumer price index is established for 1980, and for any year thereafter, the rate shall be adjusted accordingly within 30 days after the consumer price index has been established for that year.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Effective Date. This act shall take effect January 1, 1980.

Amendment adopted.

Question being on the committee report. A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 230 NAYS 83

YEAS 230

BELKNAP: Beard, Birch, Bowler, Garv Dionne, Hildreth, Mansfield, Morin, Randall, Sabbow and Sanders.

CARROLL: Chase, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Crane, Daniel Eaton, Galloway, Johnson, Kohl, Ladd, Lynch, Matson, Miller, Moore, Nims, O'Connor, Proctor, Margaret Ramsay, Russell and Vrakatitsis.

COOS: Elmer Beaulac, Brungot, Burns, Chappell, Fortier, Guav, Bradley Haynes, Horton, Hunt, Wiswell and York.

GRAFTON: Buckman, Chambers, Copenhaver, Crorv, Dearborn, Foster, Michael King, Logan, Townes, Mann, McAvoy, McIver, Pepitone, Rounds, Seely, Taffe, Walter and Ward.

HILLSBOROUGH: Archambault, Aris, Wilfrid Boisvert, Burkush, Carswell, Compagna, Corey, Coutermarsh, Catherine-Ann Day, L. Penny Dion, Donovan, Drewniak, Joseph Eaton, Nancy Gagnon, Sal Grasso, Guidi, Heald, Healy, Hendrick, Howard Humphrey, Thomas Hynes, Jamrog, Kaklamanos, Karnis, Lahombarde, Lamv, Lefebvre, Roland Lemire, Levesque, Martel, McLaughlin, Morgan, Morrison, Mulligan, Fred Murray, Odell, Pappas, Peter Parady, Perkins, Peters, Plomaritis, Podles, Polak, David Ramsav, Record, Reidy, Paul Riley, Roy, Silva, Edward Smith, Leonard Smith, Soucy, Stahl, Steiner, James Sullivan, Thibeault, Rock Tremblay, Vachon, Van Loan, Wallace, Wallin, Eliot Ware, Robert Wheeler, James J. White, M. Arnold Wight and Zajdel.

MERRIMACK: Bellerose, Bibbo, Bodi, John Cate, Milton Cate, Holliday, James Humphrey, Kidder, LaBranche, McLane, Mitchell, Nichols, Packard, Paire, Plourde, Ralph, Doris Riley, William Roberts, Selway, Shepard, Gerald Smith, Stio, Stockman, Trachy, Underwood, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Appel, Butler, Marilyn Campbell, Carpenito, Collins, Connors, Patricia Cote, Robert Day, Ellyson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Griffin, Hartford, Hoar, Jackson, Keenan, Roger King, Kozacka, Krasker, Landry, Laycock, Leslie, LoFranco, Lovejoy, Joseph MacDonald, McEachern, Norman Myers, Newell, Parolise, Parr, Peterson, Pevear, Pucci, Quimby, Rogers, Schmidtchen, Skinner, Freda Smith, Splaine, Stickney, Stimmell, Tavitian, Tufts, Vlack, Warburton, Helen Wilson and Wolfson.

STRAFFORD: Burchell, Canney, Drew, Gauvin, Dianne Herchek, Meader, Nadeau, Pine, Preston, Robinson, Sackett, Donald Smith, Tripp, Whitehead and Allen Wilson.

SULLIVAN: David Campbell, D'Amante, Sim Gray, LeBrun, Palmer, Townsend and Tucker.

NAYS 83

BELKNAP: Bordeaux, French and Michael Hanson.

CARROLL: Roderick Allen, Dickinson and Keller.

CHESHIRE: Jesse Davis, Ernst, Scranton and Jean White.

COOS: Willey.

GRAFTON: Aldrich, Ira Allen, George Cate, Christy, Clark, Low, Thomson and Andrew Ware.

HILLSBOROUGH: Aubut, Bosse, Bover, Corser, Joseph Cote, Craig, Beverly Dupont, Granger, Mazur, McCarthy, Milton Mevers, Nardi, Naro, Nemzoff-Berman, Pastor, Proulx, Sallada, Weaver, Welch, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Allgever, Blakenev, Laurent Boucher, Carroll, Clements, Daniell, Epstein, Locke, O'Neill, Randlett, Stokes and Rick Trombly.

ROCKINGHAM: Benton, Bisbee, Blake, William Boucher, Roy Davis, Dunfey, Greene, Kane, Nelson, Newman, Pantelakos, Reese and Sytek.

STRAFFORD: Ronald Chagnon, DeNafio, Farnham, Gosselin, Joos, Lessard, McManus, Morrisette, Pray, Dennis Ramsev, Vallev and Vaughan.

SULLIVAN: Edmund Belak, Brodeur, Cutting, Domini, Wiggins and Williamson, and the committee report was adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Coutermarsh moved that the House reconsider its action whereby it adopted the committee report on HB 357, increasing the legislative mileage allowance.

Reconsideration lost.

Referred to Appropriations.

COMMITTEE REPORTS (cont.)

HB 398, relative to the display of the declaration of independence and making an appropriation therefor. Ought to Pass with Amendment.

The Committee feels the Declaration on Independence and the Bill of Rights should be displayed due to their historic value. The location shall be in the Visitors' Center in the State House. The formal dedication to take place July 4, 1979. Vote was 15-0. Rep. Edna Pearl F. Parr for Legislative Administration.

Rep. James J. White spoke to the committee report.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Display of Declaration of Independence. Amend RSA 5 by inserting after section 4 the following new section:

5:4-a Display of Historical Documents. The secretary of state shall put on public display in rooms 118 and 119 of the state house the authentic copy of the declaration of independence and bill of rights which he has in his possession. This document shall be displayed under conditions which ensure its security and protection from theft, damage or destruction.

2 Appropriation. The sum of \$7,500 is hereby appropriated to the secretary of state for the fiscal year ending June 30, 1980. Said sum shall be expended for the purpose of providing adequate security and protection for the historical document required to be displayed under section 1 of this act.

3 Dedication. The formal dedication shall take place on July 4, 1979 at the state house.

4 Effective Date. This act shall take effect on passage.

Amendment adopted.

Referred to Appropriations.

HB 531, relative to the application and expenditure of federal funds and making an appropriation therefor. Ought to Pass.

The Committee felt this bill had merit and will go to Appropriations Committee where it could have another hearing and the opportunity for amendments to be offered. Vote was 12-0. Rep. Edna Pearl F. Parr for Legislative Administration.

Rep. Ward yielded to questions.

Rep. Hildreth moved that the words, Refer to the Committee on Legislative Administration for Interim Study, be substituted for the committee report, Ought to Pass, and spoke to his motion.

Rep. Chase moved that HB 531 be recommitted to the Committee on Legislative Administration, and spoke to his motion.

Reps. Parr and Tucker spoke against the motion.

Rep. Chase withdrew his motion.

Question being on the Hildreth motion.

Rep. Allen spoke in favor of the motion.

Reps. Coutermarsh and Hanson spoke against the motion.

Reps. Hildreth and Tucker yielded to questions.

Rep. Hanson requested a roll call. Sufficiently seconded.

(Sneaker presiding)

YFAS 133 NAYS 167

YFAS 133

BELKNAP: Bordeaux, Hildreth and Sabbow.

CARROLL: Roderick Allen, Desjardins, Dickinson, Kenneth Smith and Towle.

CHESHIRE: Crane, Johnson, Lynch, Matson, O'Connor, Proctor and Russell.

COOS: Brungot, Chappell, Guav, Mayhew and Oleson.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Clark, Copenhaver, Crorv, Michael King, Low, McAvoy and Pepitone.

HILLSBOROUGH: Aubut, Bover, Burkush, Compagna, Corey, Corser, Joseph Cote, Craig, Catherine-Ann Day, Drewniak, Beverly Dupont, Granger, Hendrick, Labombarde, Lamy, Roland Lemire, Levesque, McCarthy, Mulligan, Nardi, Nemzoff-Berman, Pappas, Pastor, Plomaritis, Proulx, Peter Ramsey, Reidy, Silva, Edward Smith, Soucy, Francis Sullivan, Thibeault, Wallace, Eliot Ware, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler and Zajdel.

MFRRIMACK: Allgeyer, Blakeney, Bodi, Daniell, Epstein, Holliday, Locke, O'Neill, Ralph, Randlett, William Roberts, Selway, Shepard, Stokes, Rick Trombly and Underwood.

ROCKINGHAM: Blake, Blanchette, Butler, Collins, Connors, Dunfee, Ellvson, Gibbons, Kashulines, Keenan, Krasker, Landry, Lavcock, Leslie, LoFranco, Joseph MacDonald, Newman, Pantelakos, Parolise, Peterson, Pucci, Splaine, Warburton and Wojnowski.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Drew, Gauvin, Dianne Herchek, James Herchek, Joos, Lessard, Morrisette, Pine, Dennis Ramsey, Tripp, Whitehead and Allen Wilson.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, D'Amante, Sim Gray, LeBrun and Wiggins.

NAYS 167

BELKNAP: Beard, Birch, Bowler, Gary Dionne, French, Hanson, Mansfield, Morin, Nighswander, Randall and Sanders.

CARROLL: Chase, Howard, Keller and Kenneth MacDonald.

CHESHIRE: Bayhutt, Callahan, Jesse Davis, Ernst, Calloway, Kohl, Ladd, Miller, Moore, Nims, Margaret Ramsay, Scranton, Vrakatisis and Jean White.

COOS: Burns, Fortier, Bradley Haynes, Horton, Willey, Wiswell and York.

GRAFTON: Christy, Dearborn, Foster, Logan, Lowmes, Mann, McIver, Rounds, Seely, Taffe, Thomson, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Archambault, Arris, Bosse, Carswell, Coutermarsh, L. Penny Dion, Donovan, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Sal Grasso, Hall, Heald, Thomas Hynes, Jamrog, Karnis, Lefebvre, Mazur, Milton Meyers, Morgan, Morrison, Murray, Naro, Odell, Peter Paradvy, Perkins, Peters, Podles, Polak, David Ramsay, Record, Paul Riley, Roy, Sallada, Leonard Smith, Stahl, Rock Tremblay, Vachon, Van Loan, Wallin, Weaver, James J. White and M. Arnold Wight.

MFRRIMACK: Bellerose, Ribbo, Laurent Boucher, Carroll, John Cate, Clements, Kidder, LaBranche, McLane, Mitchell, Packard, Paire, Doris Riley, Gerald Smith, Stockman, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Appel, Benton, Bishee, William Boucher, Marilyn Campbell, Patricia Cote,

Robert Day, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Greene, Griffin, Hartford, Hoar, Jackson, Kane, Roger King, Kozacka, Lovejoy, McEachern, Norman Myers, Nelson, Newell, Parr, Quimby, Reese, Rogers, Schmidtchen, Skinner, Stickney, Stimmell, Sytek, Tavitian, Tufts, Helen Wilson and Wolfson.

STRAFFORD: Cannev, Farnham, Gosselin, McManus, Meader, Preston, Robinson, Sackett, Donald Smith and Valley.

SULLIVAN: Cutting, Domini, Lucas, Palmer, Spaulding, Townsend, Tucker and Williamson, and the motion lost.

Referred to Appropriations.

HB 366, to establish tenure for deputy sheriffs. Inexpedient to Legislate. Committee felt that a "locked-in" staff would not improve or permit maximum efficiency and changes that could be required for the constant updating of current conditions. Vote was 10-3. Rep. Anthony Pepitone for Municipal and County Government.

Rep. Howard moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Rep. Mann spoke against the motion.

Reps. Lessard and Dickinson spoke in favor of the motion.

Rep. Lessard yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 92 NAYS 188

YEAS 92

BELKNAP: Mansfield, Morin, Nighswander and Sanders.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson, Howard, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Kohl and Ladd.

COOS: Brungot, Burns and Hunt.

GRAFTON: Ira Allen, Low, Seely, Thomson and Ward.

HILLSBOROUGH: Aubut, Boyer, Corey, Craig, L. Penny Dion, Donovan, Gabrielle Gagnon, Granger, Thomas Hynes, Roland Lemire, McLaughlin, Milton Meyers, Morgan, Murray, Naro, Pappas, Pastor, Peters, Proulx, David Ramsay, Record, Paul Riley, Silva, Wallace, Welch, Kenneth Wheeler and Zajdel.

MFRRIMACK: Laurent Boucher, Clements, Holliday, Mitchell, O'Neill, Paire, Ralph, Selway and Wiviott.

ROCKINGHAM: Bishee, Butler, Marilyn Campbell, Joseph Flynn, Beverly Gage, Griffin, Hartford, Krasker, Landry, Lavcock, Lovejoy, Pantelakos, Peterson, Pucci, Rogers, Skinner, Freda Smith, Stimmell, Tufts, Vartanian and Helen Wilson.

STRAFFORD: Farnham, Lessard, Nadeau, Preston, Dennis Ramsey, Donald Smith, Tripp, Valley, Vaughan and Whitehead.

Anthony Pepitone for Municipal and County Government.

Amendment

SULLIVAN: Domini, Sim Gray, Palmer and Wiggins.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

NAYS 188

BELKNAP: Beard, Birch, Bordeau, Bowler, French, Michael Hanson, Randall and Sabhow.

CARROLL: Towle.

CHESHIRE: Baybutt, Callahan, Crane, Jesse Davis, Daniel Eaton, Ernst, Galloway, Johnson, Lynch, Moore, Nims, O'Connor, Russell, Scranton and Vrakatitsis.

COOS: Elmer Beaulac, Chappell, Fortier, Guay, Horton, George Lemire, Mayhew, Oleson, Willey, Wiswell and York.

GRAFTON: Aldrich, George Cate, Chambers, Christy, Dearborn, Foster, LaMott, Logan, Lowmes, Mann, McAvoy, Pepitone, Rounds, Taffe, Walter and Andrew Ware.

HILLSBOROUGH: Archambault, Arris, Bosse, Burkush, Carswell, Compagna, Corser, Joseph Cote, Dzwiniak, Beverly Dupont, Joseph Eaton, Nancy Gagnon, Sal Grasso, Guidi, Hall, Heald, Hendrick, Howard Humphrey, Jamrog, Karnis, Labombarde, Lamy, Levesque, Martel, Mazur, McCarthy, Morrison, Mulligan, Nardi, Nemzoff-Berman, Odell, Aime Paradis, Peter Parady, Perkins, Plomaritis, Podles, Polak, Peter Ramsey, Roy, Sallada, Steiner, Francis Sullivan, Thibeault, Rock Tremblay, Vachon, Van Loan, Wallin, Eliot Ware, Weaver, James J. White and M. Arnold Wight.

MERRIMACK: Allgeyer, Bellerose, Bibbo, Blakenev, John Cate, Daniell, Epstein, James Humphrev, LaBranche, Locke, McLane, Nichols, Packard, Plourde, Randlett, Doris Riley, Shepard, Gerald Smith, Stockman, Stokes, Trachy and Ernest Valliere.

ROCKINGHAM: Appel, Benton, Blake, Blanchette, Carpenito, Collins, Connors, Patricia Cote, Robert Day, Elyson, Flanagan, Carl Gage, Gibbons, Gould, Greene, Hoar, Jackson, Kane, Kashulines, Keenan, Roger King, Kozacka, Leslie, LoFranco, Joseph MacDonald, Norman Mvers, Newell, Newman, Parolise, Parr, Pevear, Quimby, Reese, Schmidtchen, Stickney, Sytek, Tavitian and Warburton.

STRAFFORD: Burchell, Cannev, Ronald Chagnon, DeNafio, Drew, Gauvin, Gosselin, Dianne Herchek, James Herchek, Joos, Meader, Morrisette, Pine, Robinson and Allen Wilson.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, Cutting, D'Amante, LeBrun, Lucas, Spaulding, Townsend, Tucker and Williamson, and the motion lost.

Resolution adopted.

HB 441, relative to town and county paupers. Ought to Pass with Amendment. A very practical improvement in the procedures for administration of welfare. Vote was 14-0. Rep.

1 Town Paupers. Amend RSA 165:1 as amended by striking out said section and inserting in place thereof the following:

165:1 Who Entitled. Whenever a person in any town shall be poor and unable to support himself he shall be relieved and maintained by the overseers of public welfare of such town; provided, however, that if he has no legal settlement therein and provided that the county welfare office is within one mile of the town office and can be reached during its regular business hours, the town may refuse to aid such person, but in doing so shall refer and direct such person to the appropriate county office.

2 County Paupers. Amend RSA 166:10 as amended by striking out said section and inserting in place thereof the following:

166:10 Liability of Counties. Each county is responsible for the support of any county pauper who resides in that county. If a person seeking support as a county pauper is determined to have a legal settlement in a town pursuant to RSA 164-A:1 and if the applicable town welfare office is within one mile of the county office and can be reached within its regular business hours, the county may refuse to aid such person but in so doing shall refer and direct such person to the appropriate town welfare office.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

ENROLLED BILLS REPORT

HB 149, relative to expenses for insurance examiners and making an appropriation therefor.

Sen. Laurier Lamontagne
For the Committee

COMMITTEE REPORTS (cont.)

HB 421, relative to compulsory police attendance at public dances conducted in cities. Ought to Pass with Amendment.

Existing statutes require that a police officer be in attendance at each dance, carnival or circus in any city; at times, this requirement places a heavy drain on the Police Department, especially as pertains to dances over weekends. This legislation pertains only to the cities of Manchester and Nashua. Upon authorization by the Mayor and Board of Aldermen, the Chiefs of Police of these cities will have the flexibility to determine which dance, carnival or circus shall have a police officer in attendance. Committee vote was 9-0. Rep. Patrick L. O'Connor for Public Protection and Veterans' Affairs.

Amendment

Amend RSA 105:9-h as inserted by section 1 of bill by striking out same and inserting in place thereof the following:

105:9-h Dances, Carnivals and Circuses in Large Cities. Notwithstanding the provisions of RSA 105:9, in any city of a population greater than 50,000, according to the most recent census, the chief of police subject to the written approval of the mayor and board of aldermen, shall decide whether it is necessary to detail police officers to attend public dances, carnivals or circuses. If the chief of police decides that police attendance at such functions is necessary, he shall detail one or more police officers to attend the same, whose services shall be paid for by the applicant. No person shall conduct such public dance, carnival or circus unless one or more police officers are in attendance except in cases where the chief of police has decided that such attendance is not necessary. Whoever violates the provision of this section shall be guilty of a misdemeanor.

Amendment adopted.

Ordered to third reading.

HB 473, reimbursing the town of Franconia for certain lost revenues and making an appropriation therefor. Ought to Pass.

Committee felt reimbursement for loss of revenue under circumstances completely mandated by the Legislature and budget footnotes was very much in order. Vote was 13-0. Rep. Beverly A. Gaze for Municipal and County Government.

Rep. Mann yielded to questions.

Referred to Appropriations.

HB 286, relative to improvements to the Salem liquor store and making an appropriation therefor. Ought to Pass.

The Public Works Committee concurs with the Regulated Revenues Committee in recommending passage of this bill. Vote was 15-0. Rep. Edna Pearl F. Parr for Public Works.

Referred to Appropriations.

HB 430, establishing a fund for the purchase of works of art for the state buildings and facilities. Majority: Ought to Pass with Amendment. Minority (Rep. James J. White): Inexpedient to Legislate. MAJORITY: This bill will provide modest funding to allow the New Hampshire Commission on the Arts to fulfill more of its statutory responsibilities by the purchase of paintings, sculptures, historical artifacts or other objects of art which will be placed in the appropriate state buildings. The funding will be guided by the amount of appropriations of state general funds for the construction of new buildings; the art acquired by these funds, however, may be placed in any state building as determined by the Commission

on the Arts and the cognizant state officials or boards having use of such buildings. The amendment reduces the original bill's intent by eliminating funds for roads, bridges and self-amortizing building construction. Vote was 13-7. Rep. Norman W. Myers for the Majority of Public Works. MINORITY: At this time, the State of New Hampshire must fund human needs. This concept is a valid consideration except it is a luxury New Hampshire can ill afford when we review the overall needs of the state. Rep. James J. White for the Minority of Public Works.

Rep. James J. White moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, spoke to his motion and withdrew his motion.

Amendment

Amend RSA 19-A:9 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

19-A:9 Art Fund. There is hereby established a non-lapsing fund consisting of one percent of all appropriations for new capital construction. The money included in this fund shall be used for the acquisition of works of art which may be an integral part of the structure, attached to the structure, located within or outside the structure of newly constructed, reconstructed, renovated or existing state buildings or facilities. Any monies left in the fund at the end of any biennial session shall remain in that fund for expenditures for the purposes of the fund during any other biennial session.

Amendment adopted.

Rep. Griffin offered an amendment.

Amendment

Amend RSA 19-A:9 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

19-A:9 Art Fund. There is hereby established a non-lapsing fund consisting of one per cent of all appropriations of general funds for new capital construction. The money included in this fund shall be used for the acquisition of works of art which may be an integral part of the structure, attached to the structure, located within or outside the structure of newly constructed, reconstructed, renovated or existing state buildings or facilities. Any monies left in the fund at the end of any biennial session shall remain in that fund for expenditures for the purposes of the fund during any other biennial session.

The Assistant Clerk read the amendment.

Rep. Griffin spoke to her amendment.

Amendment adopted.

Referred to Appropriations.

HB 266, authorizing the water supply and pollution control commission to implement the provisions of RSA 146-A relative to oil

spillage; establishing the New Hampshire oil pollution control fund; and making an appropriation therefor. Ought to Pass with Amendment.

This bill provides a program for funding the state's oil spill control program which has had neither funding nor personnel since it became law (RSA 146-A) in 1971. Funding for prevention, clean up, research and personnel is to be generated from the petroleum industry through fees, charges, and penalties. Amendment resolves technical problems in original bill and involves the entire petroleum industry in funding program, not just those engaged in coastal handling of petroleum. Vote was 13-0. Rep. Jane F. Sanders for Resources, Recreation and Development.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Procedures for Control of Oil Spillage in Public Waters. Amend RSA 146-A:11, V as inserted by 1971, 266:1 by striking out said paragraph and inserting in place thereof the following:

V. Personnel and Equipment. The commission shall establish and maintain at ports within the state, and other places as it shall determine, such employees and equipment as in its judgment may be necessary to carry out RSA 146-A. The commission may employ an assistant chief engineer administrator, an environmentalist III, a water pollution biologist and an account stenographer II. The commission shall establish and periodically review procedures for the prevention of oil discharges or oil spillage into or onto the surface and ground waters of the state. Inspection and enforcement employees of the commission in their line of duty pursuant to RSA 146-A shall have the power of a constable.

VI. Agency to Receive and Utilize Funds.

(a) There is hereby established the New Hampshire oil pollution control fund. This non-lapsing, revolving fund shall pay the salaries and expenses of the persons specified in RSA 146-A:11, V, as well as the costs to implement RSA 146-A which include but are not limited to the costs of removal or corrective measures deemed necessary by the commission as a result of an oil discharge or spillage into or onto the surface or groundwaters of the state. Not less than 10 percent of the monies in the fund shall be allocated annually for research programs dedicated to the development and improvement of preventive and clean-up measures concerning such oil discharge or oil spillage. In the event of an oil spill, the commission may expend, with the approval of governor and council, such additional sums as are necessary to clean up the spill except that the total amount expended may not exceed the balance in the New Hampshire oil pollution control fund.

(h) Monies in the fund not currently needed to meet the obligations of the commission under this chapter shall be

deposited with the state treasurer to the credit of said fund and may be invested as provided by law. Interest received on such investment shall also be credited to the fund. If the fund's balance becomes greater than \$1,500,000, the license fees established in RSA 146-A:11, VII, shall be reduced accordingly in an amount as determined by the commission in order to maintain the fiscal integrity of the fund.

VII. Operator's License and Fee. Any operator, distributor, dealer or broker who has a storage facility capable of storing 500 or more barrels of oil and who transfers or transports or causes to be transferred or transported oil into the state shall be licensed under this chapter. The annual fee for such license shall be determined on the basis of one cent per barrel of oil transferred into this state during the license period. Such fee shall be computed at the point of entry of such oil into this state. The fee shall be paid monthly by the licensee to the commission and in turn deposited by the commission into the oil pollution control fund. Imposition of the fee shall be based on records of the licensee and certified as accurate to the commission. The commission is authorized to promulgate forms to implement this section and to promulgate rules to carry out the administrative functions specified in this section.

2 Penalty. Amend RSA 146-A:14 as amended as inserted by 1971, 266:1 by striking out said section and inserting in place thereof the following:

146-A:14 Penalty.

I. Any person who wilfully discharges or spills oil into or onto the public surface and ground waters of the state or in a land area where the oil will ultimately seep into public water shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person. Each day of a continuing violation shall constitute a separate offense.

II. Any person who discharges or spills oil into or onto the public surface and ground waters of the state or in a land area where the oil will ultimately seep into public water shall be subject to a civil penalty not to exceed \$10,000 for each violation.

3 Appropriation. There is hereby appropriated from the New Hampshire oil pollution control fund the sum of \$83,390 for the fiscal year ending June 30, 1980, and the sum of \$84,426 for the fiscal year ending June 30, 1981, to be expended for personal services, current expenses, travel and other associated expenses for the purposes of this act.

4 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Referred to Appropriations.

HB 400, relative to the reorganization of the water resources board to include the development and promotion of energy resources and to rename such board as the water resources and energy authority. Ought to Pass with Amendment.

The Committee is firmly committed to the

goal of promotion of energy resources. As a result it intends to propose additional amendments to the Appropriations Committee to take care of mechanical problems which were unable to be prepared in order to meet the deadline. Amendment printed in the Calendar adds to the bill promotion and assistance to private energy procedures and small scale energy procedures. Vote was 11-4. Rep. Nancy R. Gagnon for Executive Departments and Administration.

Amendment

Amend RSA 481:1, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. It is declared that there is a state-wide need for the conservation and distribution of water and the regulation of the flow of rivers and streams and for the development and promotion of energy sources and that the public interest, welfare, and necessity require the construction of projects for the conservation, development, storage, distribution, and utilization of water and the operation of energy production facilities relying on wind power, geothermal, hydroelectric, solar, wood and waste energy resources and to promote and assist private energy producers in the operation and expansion of such energy production facilities. The corporation authorized hereunder shall be regarded as performing a governmental function in carrying out the provisions hereof.

Amend RSA 481:3, II as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

II. To investigate and ascertain the facilities for producing and conserving energy including the promotion of private energy production.

Amendment adopted.
Referred to Appropriations.

HB 496, creating a planning region review study committee, and making an appropriation therefor. Ought to Pass with Amendment.

The Committee agreed with all the testimony given that a broader scope was needed for this review in order to cover those problems created by overlapping and fragmentation which currently exists within the sub-state districts and organization. Consequently, the amendment extends the Committee's area of study and recommendation, broadens the Committee membership, and increases the appropriation therefor. Vote was 12-3. Rep. Philip C. Heald, Jr. for Resources, Recreation and Development.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

creating a committee to review and evaluate the planning and service functions of sub-state regional organizations and districts and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Declaration of Need and Legislative Intent.

I. The legislature finds that governmental sub-state services and systems in New Hampshire are fragmented, uncoordinated, and difficult for New Hampshire residents to use and understand; and that state, federal, and regional districts frequently overlap.

II. Furthermore, the legislature finds that there has been no comprehensive investigation of the effectiveness of sub-state regional districts and organizations in the state of New Hampshire.

III. The legislature believes that there is particular need to improve the planning and service functions at the sub-state regional level in order to insure that growth in the state is best guided to serve the present and future residents of the state.

2 Committee Established. There is hereby established a committee to review the sub-state regional organizations and district systems in the state of New Hampshire and to recommend improvements in the planning and service functions at the sub-state regional level.

3 Definitions. For the purpose of this act:

I. "Sub-state organization" shall mean any publicly funded organization which provides services to the people of more than one municipality.

II. "Sub-state district" shall mean any geographically defined area within the state established by a governmental body, agency or program to serve the people of more than one municipality.

4 Duties of the Committee. The committee shall have the following duties:

I. Inventory sub-state regional organizations and districts as they relate to service and planning functions. Because of their unique services, the inventory shall exclude school districts and unions.

II. Evaluate existing state and federal administration districts, counties and regional planning commissions, and recommend desirable structural and functional changes to minimize overlapping of areas of jurisdiction and duplication of functions, and to provide for linkage where fragmentation exists.

III. Determine the extent to which present sub-state district delineations have encouraged or inhibited inter-community and regional planning and development.

IV. Recommend procedures and institutions whereby sub-state district functions will become more responsive and accountable to the citizens within their jurisdiction and the means by which those functions would be most soundly and adequately funded.

V. Recommend those changes in structure and appropriate legislation that are consistent with the dual goals of improving the quality of services and reducing the costs of delivery.

VI. Receive the full cooperation and technical assistance of all appropriate state agencies.

5 Composition of the Committee. The committee shall be composed of the following members:

I. Three representatives, one each from the north, central and southern portions of the state, appointed by the speaker of the house.

II. One senator appointed by the president of the senate.

III. One representative of the New Hampshire association of regional planning commissions, appointed by the association.

IV. One representative of the New Hampshire association of counties, appointed by the association.

V. One representative of the New Hampshire municipal association, appointed by the association.

VI. The director of the office of state planning, or his designee.

VII. One member of the academic community, appointed by the president of the university of New Hampshire.

VIII. The president of the New Hampshire welfare council, or his designee.

IX. Three members appointed by the governor.

6 Report of the Committee. The committee in a final report shall recommend those changes in structure or function, or both, and any appropriate legislation which would be consistent with the goals established for this committee to improve the planning and service functions of sub-state regional organizations and districts. The final report shall be provided to the legislature on or before January 15, 1981.

7 Compensation. The members of the committee established by this act shall be entitled to no compensation. However, members of the committee who are members of the legislature shall be entitled to legislative mileage in connection with their duties as members of the committee and the nonlegislative members shall be entitled to the same mileage as paid to state employees when performing duties in connection with the work of the committee.

8 Appropriation. The sum of \$7,500 is hereby appropriated for the fiscal year ending June 30, 1980, for purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

9 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Referred to Appropriations.

HB 498, establishing a commission to develop a statewide water supply policy and a management plan for water supply needs and capabilities and making an appropriation therefor. Majority: Ought to Pass with Amendment. Minority (Rep. Jane F. Sanders): Refer to Committee on Resources, Recreation and Development for Interim Study.

MAJORITY: The Committee recognizes the urgent need for a basic policy to guide the decision making process relative to the use of water in the state of New Hampshire. The amendment clarifies language and advances the date the report is due. Vote was 17-1. Rep. Philip C. Heald, Jr. for Majority of Resources, Recreation and Development.

MINORITY: Although a comprehensive plan for the management of water supply demands and resources is needed, it should be developed through existing state agencies already mandated to do the job, not by establishing additional parallel bureaucracy. Rep. Jane F. Sanders for Minority of Resources, Recreation and Development.

Amendment

Amend the the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing a commission to develop a statewide water supply policy and a comprehensive plan for the management of water supply demands and resources and making an appropriation therefor.

Amend the bill by striking out sections 2 and 3 and inserting in place thereof the following:

2 Commission Established. There is hereby established a commission of 15 members to develop a statewide water supply policy and a comprehensive plan for management of statewide water supply demands and resources. The members of the commission shall be as follows: 2 senators appointed by the president; 4 members of the house appointed by the speaker; the chairman of the water resources research center of the University of New Hampshire or his designee; the director of the office of state planning or his designee; the chairman of the water resources board or his designee; the chairman of the water supply and pollution control commission or his designee; a member of the judiciary having technical expertise in water law appointed by the chief justice of the supreme court; a member of the council on resources and development, other than those already assigned to the commission, appointed by the chairman of the council and 3 persons from the general public who have an expertise in water resources appointed by the governor and council. The commission shall select a chairman from among its members at its first meeting. The members of the commission shall serve without compensation but shall be reimbursed for their actual expenses, provided that the legislative members shall receive legislative mileage and all other members shall receive the same mileage as state employees. The commission shall meet at least monthly.

3 Duties of Commission. The commission shall investigate, study and make recommendations relative to the proper and necessary functions of the state in the

planning and implementation of a continuing water supply program to meet the current and future water-related needs of the state and to make such investigations, studies and recommendations relative to the most urgent statewide water supply priority issues with the intention of establishing a definitive water supply policy. The commission is also directed to assess and to make recommendations relative to the identification of water supply needs throughout the state and the means for meeting these identified needs to further the development of an overall water resources management plan for the state. The commission shall have the full cooperation and technical assistance of all state agencies as may be necessary to complete this study. The commission shall submit its findings and recommendations in the form of a report, together with drafts of legislation necessary to carry its recommendations into effect, on or before January 15, 1981, to the general court.

Amendment adopted.

Referred to Appropriations.

HB 511, creating centralized land acquisition procedures; establishing a natural heritage conservation fund, making an appropriation therefor, and authorizing the issuance of bonds for such fund. Ought to Pass with Amendment.

Establishes a priority setting procedure through the Council on Resources and Development for the State purchase of land for recreational, historical and conservation purposes, and creates on the state level a natural heritage conservation fund to be used when a significant parcel of land would otherwise be lost. Vote was 15-0. Rep. Philip C. Heald, Jr. for Resources, Recreation and Development.

Amendment

Amend RSA 162-C:5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

162-C:5 Land Acquisition Policy. In addition to the duties under RSA 162-C:2, the council shall:

I. Review state policy on land acquisition for recreational, conservation or historical use by the state.

II. Review all proposals by state agencies to acquire rights and interests in land for using the natural heritage conservation fund.

III. Examine the potential uses of land acquired or to be acquired by the state using the natural heritage conservation fund to insure that optimum benefit is derived from land with multiple use characteristics.

IV. Establish a schedule of priorities based on the relative importance of each proposed land acquisition for recreational, conservation or historical use by the state so that critically needed lands are acquired as soon as funds become available. The schedule of priorities shall be coordinated with and shall comply with the New Hampshire outdoor recreation plan, when applicable.

V. Review the list of any proposed projects submitted by the water resources board which would appear to have a potential of falling within the definition of recreation and conservation lands, so that any potential of project enlargement and coordination may be considered.

Amend RSA 162-C:6, 7 as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

1. Each state agency which proposes to acquire rights and interests in land for recreational, conservation or historical use shall submit a preliminary proposal for such acquisition to the division of forests and lands. The division shall evaluate the proposal and prepare a formal proposal. The formal proposal and the evaluation by the division shall be submitted to the council. The council shall assign a priority to each proposal; acquisition in danger of being lost shall be considered as highest priority. If the general court is in regular or special session, any proposal which receives the highest priority shall be submitted to the general court in bill form, along with a list of proposals not included as highest priority.

Amend RSA 162-C:8 as inserted by section 1 of the bill by striking out said section and renumbering RSA 162-C:9 to read as follows:

162-C:8

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Appropriation. The sum of \$200,000 is hereby appropriated to the emergency opportunity account within the natural heritage conservation fund to carry out the purposes of RSA 162-C:5-8, as inserted by section 1 of this act. All sums hereby appropriated shall be continuing and shall not lapse.

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Bonds Authorized. To provide funds for the appropriation of state funds made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$200,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Bonds issued for the purpose herein shall have a maturity date of 20 years from the date of issue. Payment of principal and interest on said bonds and notes shall be made when due from the general funds of the state.

Amendment adopted.

Referred to Appropriations.

House Concurrent Resolution No. 6, establishing a bipartisan joint committee to recodify and reindex house, senate and joint rules adoption by the 1979 general court. Inexpedient to Legislate.

The Committee unanimously voted this resolution inexpedient to legislate for two reasons: First, the Committee did not feel that it would be appropriate to have a joint committee, containing

Senators, sitting on a recodification of the House Rules any more than the Senate would want House members assisting in the recodification of its rules. Such an arrangement would be repugnant to the provisions of Part 2, Art. 22 of New Hampshire's Constitution. Secondly, the staff of the House is already involved in an on-going recodification process of the House rules. Rep. Marshall French for Rules.

Committee report adopted.

HB 330, relative to the release of inmates at county houses of correction for the purpose of gainful employment or rehabilitation. Ought to Pass with Amendment.

Bill permits superintendents of houses of correction to permit inmates out on work release as long as sentencing judge does not disapprove within 21 days after being notified. Vote was 11-2 in favor. Rep. Guy R. Granger, Jr. for State Institutions.

Amendment

Amend RSA 651:19, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. (a) Any person who has been committed to a penal institution other than the state prison under a criminal sentence may be released therefrom by the sentencing court at the time of sentence, or at any time during the term of sentence by either the court or the superintendent of the penal institution, for the purpose of obtaining and working at gainful employment or for such other purpose as the court or superintendent may deem conducive to his rehabilitation.

(b) No person shall be released by the superintendent of a penal institution under this section unless said superintendent has notified the sentencing court, and said court has not objected to such release within 21 days.

(c) No person shall be released under this section if the sentencing court has prohibited any work release in the sentence imposed by it.

Amendment adopted.
Ordered to third reading.

HB 379, relative to the recovery of educational expenses from the school district where a patient's parent or legal guardian resides. Ought to Pass with Amendment.

Amendment removes the words "or legal guardian". Vote was 16-0. Rep. Gloria M. Randlett for State Institutions.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the recovery of educational expenses from the school district where a patient's parent resides.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Court Order. Amend RSA 126-A:49 (supp) as inserted by 1977, 600:27 by inserting in line 5 after the word "welfare" the following (or of a court order) and by striking out in line 7 the words "or legal guardian" so that said section as amended shall read as follows:

126-A:49 Educational Expenses. Educational expenses of any resident or patient, who is capable of being benefited by instruction and who is between 6 and 21 years of age, as required under statute and incurred in the institutions named in or at the direction of the commissioner of health and welfare or of a court order, in any public or private institution or elsewhere, shall be recovered from the school district in which the patient's or resident's parents reside on the January first preceding the recovery up to the state average elementary cost per pupil, as determined by the state board of education for the preceding school year. The liability of the school district for such expenses shall precede that of the persons or estates named in RSA 126-A:46 and RSA 126-A:47, which are hereby relieved of liability for such expenses to the extent of the school district's liability.

Amendment adopted.
Referred to Appropriations.

HB 385, relative to establishing an industries revolving fund within the state prison. Ought to Pass with Amendment.

The revolving fund requested is a one-shot designed to permit the State Prison to keep prisoners occupied the year round. At present, prison industries operate on biennial budgets which sometime run out, closing prison industries down. The expectation is that prison industries will be self-supporting in due course. Vote was 16-0. Rep. William A. Riley for State Institutions.

Amendment

Amend RSA 622:28-a, III as inserted by section one of the bill by striking out same and inserting in place thereof the following:

III. The fund shall be maintained intact except for temporary deficit spending for manufacturing costs recoverable by resale of the end product. The comptroller of the department of administration and control may, at his discretion, waive the requirement for encumbrances of funds for contracts for the purchase of materials and supplies for manufacture incurred by this fund.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appropriation. The sum of \$200,000 is hereby appropriated for the establishment of the industries revolving fund to be expended by the director of the division of

purchase and property of the department of administration and control. This appropriation shall not lapse and shall be in addition to any other appropriation for the division of purchase and property. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.
Referred to Appropriations.

HB 394, limiting borrowers' cards for the state library to those in or employed by state government. Inexpedient to Legislate.

The sponsor requested that this bill be reported as Inexpedient to Legislate.
Vote was 16-0. Rep. Guy R. Granger, Jr. for State Institutions.

Resolution adopted.

HB 404, relative to eligibility for transfer from the New Hampshire Hospital to the Glencliff home for the elderly. Inexpedient to Legislate.

A study is being made in regard to the future of Glencliff home for the elderly. Until such time as a decision is made, the Committee felt that the law should be left as it is. Vote was 16-0. Rep. Milton A. Cate for State Institutions.

Resolution adopted.

HB 462, relative to public guardians, and making an appropriation therefor. Ought to Pass with Amendment.

This bill provides for public guardians. Amendment puts administrative and clerical staff in as classified personnel. Vote was 17-0. Rep. Milton A. Cate for State Institutions.

Amendment

Amend section 4 of the bill by striking out same and inserting in place thereof the following:

4 Public Guardians and Administrative Staff. Amend RSA 547-A:8 (supp) as inserted by 1978, 34:1 by striking out said section and inserting in place thereof the following:

547-A:8 Compensation. Public guardians shall be unclassified personnel and shall be compensated at levels to be determined by the department of personnel. All administrative and clerical staff shall be classified personnel. Administrative costs and salaries shall come from state funds which have been earmarked to cover the costs and salaries of the operation and administration of the offices, or federal funds made available for the purposes of this chapter.

Amend section 6 of the bill by striking out same and inserting in place thereof the following:

6 Appropriation. There is hereby appropriated to the division of mental health, department of health and welfare, the sum of \$100,000 for the fiscal year ending June 30, 1980 and the sum of \$100,000 for the fiscal year ending June 30, 1981.

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. Said sums shall be expended only for the purpose of carrying out RSA 547-A, and shall be allocated as follows:

Fiscal Year 1980

Belknap County	
Guardian	30,000
Classified technical and clerical staff	10,000
Rent	2,500
Current expenses	5,000
Furniture	2,500
Training	-0-
Total	\$50,000

Merrimack County	
Guardian	30,000
Classified technical and clerical staff	10,000
Rent	2,500
Current expenses	5,000
Furniture	2,500
Training	-0-
Total	\$50,000

Fiscal Year 1981

Belknap County	
Guardian	30,000
Classified technical and clerical staff	10,000
Rent	2,500
Current expenses	5,000
Furniture	-0-
Training	2,500
Total	\$50,000

Merrimack County	
Guardian	30,000
Classified technical and clerical staff	10,000
Rent	2,500
Current expenses	5,000
Furniture	-0-
Training	2,500
Total	\$50,000

Amendment adopted.
Referred to Appropriations.

HB 483, relative to the commission of children and youth and making an appropriation therefor. Inexpedient to Legislate.

The Committee felt that the Commission duplicates the efforts of other groups and agencies. Vote was 11-1. Rep. Guy R. Granger for State Institutions.

Rep. Stahl moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Rep. Randlett spoke to the motion.
Reps. Epstein, Murray, Parr, Bavhutt and McManus spoke in favor of the motion.
Rep. Granger spoke against the motion.
Reps. McManus and Stahl yielded to questions.

Rep. Stahl requested a roll call.
Sufficiently seconded.

(Speaker presiding)
YFAS 172 NAYS 177
YEAS 172

BELKNAP: Beard, Birch, Bordeau, Bowler, Hildreth, Nighswander, Randall and Sanders.

CARROLL: Desjardins, Dickinson and Kenneth Smith.

CHESHIRE: Baybutt, Jesse Davis, Kohl, Ladd, Lynch, Proctor, Margaret Ramsay, Russell and Vrakatitsis.

COOS: Brungot, Burns, Chappell, Fortier, Guay, Hunt and Mavhew.

CRAFTON: George Cate, Chambers, Clark, Coppenhaver, Crow, Dearborn, Michael King, Low, McAvoy, Rounds, Seely, Thomson and Walter.

HILLSBOROUGH: Archambault, Bosse, Carswell, Corser, Coutermarsh, Craig, Catherine-Ann Day, L. Pennv Dion, Donovan, Drenniak, Joseph Eaton, Nancy Gagnon, Sal Grasso, Guidi, Hall, Hendrick, Jamrog, Lamv, McCarthy, Milton Meyers, Morrison, Mulligan, Fred Murray, Nardi, Nemzoff-Berman, Odell, Pappas, Pastor, Peters, Plomaritis, Proulx, Peter Ramsey, Reidy, Silva, Edward Smith, Leonard Smith, Soucy, Stahl, Thibeault, Rock Tremblay, Van Loan, Wallace, Wallin, Weaver, Welch and Zaidel.

MERRIMACK: Blakenev, Carroll, John Cate, Clements, Epstein, Holliday, McLane, Nichols, O'Neill, Paire, Ralph, Doris Riley, Stockman, Stokes, Trachv, Rick Trombly, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Bishee, Blanchette, Carpenito, Collins, Connors, Dunfey, Ellyson, Flanagan, Beverly Gage, Gibbons, Griffin, Hartford, Hoar, Jackson, Kane, Keenan, Roger King, Kozacka, Krasker, Leslie, LoFranco, Lovejoy, Joseph MacDonald, Newell, Pantelakos, Parolise, Parr, Peterson, Pevear, Pucci, Quimby, Reese, Skinner, Freda Smith, Splaine, Sticknev, Stimmell, Sytek, Tavitian, Helen Wilson, Wojnowski and Wolfson.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Farnham, Gosselin, Joos, Lessard, McManus, Morrisette, Nadeau, Pine, Robinson, Sackett, Tripp, Vallev, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Brodeur, David Campbell, Spaulding, Townsend, Wiggins and Williamson.

NAYS 177

BELKNAP: Gary Dionne, French, Michael Hanson, Mansfield and Sabbow.

CARROLL: Roderick Allen, Chase, Howard, Keller, Kenneth MacDonald, Towle.

CHESHIRE: Callahan, Crane, Daniel Eaton, Johnson, Miller, Moore, O'Connor, Scranton and Jean White.

COOS: Elmer Beaulac, Bradley Haynes, Horton, George Lemire, Oleson, Alcide Valliere, Willey, Wiswell and York.

CRAFTON: Aldrich, Tra Allen, Buckman, Christy, Foster, Logan, Lowmes, Mann, McIver, Pepitone and Andrew Ware.

HILLSBOROUGH: Arris, Aubut, Wilfrid Roisvert, Bover, Burkush, Compagna, Corey, Beverly Dupont, Gabrielle Gagnon, Granger, Heald, Howard Humphrey, Thomas Hynes, Karnis, Labombarde, Lefebvre, Roland Lemire, Levesque, Martel, Mazur, McLaughlin, Morgan, Naro, Peter Parady, Perkins, Podles, Polak, David Ramsay, Roy, Sallada, Steiner, James Sullivan, Vachon, Eliot Ware, Emma Wheeler, Kenneth Wheeler and Robert Wheeler.

MERRIMACK: Bellerose, Bibbo, Lauren Boucher, Milton Cate, Daniell, James Humphrey, LaBranche, Locke, Mitchell, Randlett, William Roberts, Selway and Shepard.

ROCKINGHAM: Benton, Blake, William Boucher, Butler, Marilyn Campbell, Patricia Cote, Roy Davis, Robert Day, Joseph Flynn, Carl Gage, Gould, Greene, Kashulines, Landry, McEachern, Nelson, Rogers, Scamman, Schmidtchen, Tufts, Vartanian, Vlack and Warburton.

STRAFFORD: Cannev, Drew, Gauvin, Meader, Prav, Preston and Dennis Ramsey.

SULLIVAN: Edmund Belak, Cutting, Domini, Sim Gray, LeBrun, Lucas and Palmer, and the motion was adopted.

Question being on the substituted committee report, Ought to Pass.

Adopted.

Referred to Appropriations.

HB 486, relative to post-release plans for persons discharged from New Hampshire hospital and making an appropriation for community mental health services. Ought to Pass.

The Committee recognizes the strain on local communities when dealing with persons released from the New Hampshire State Hospital. This legislation appropriates funds which would enable community mental health agencies to follow through an individualized post-release plans for the discharged patients. Vote was 15-0. Rep. David G. Pine for State Institutions.

Referred to Appropriations.

HB 490, establishing an advisory committee on mental health funding, and establishing an oversight committee for a New Hampshire hospital and Glencliff home for the elderly study and making an appropriation therefor. Ought to Pass.

The State should hire engineering consultants to study the physical plants at the New Hampshire Hospital and Glencliff to study the long range needs for the in-patient facilities. The bill also establishes an advisory committee on mental health funding. Vote was 16-0. Rep. Milton A. Cate for State Institutions.

Referred to Appropriations.

HB 566, removing restrictions on the sale of prison products on the open market. Ought to Pass with Amendment.

This bill permits the State Prison to sell surplus products, such as unconsumed tomatoes from the State Prison Farm and envelopes from the Print Shop no longer used because of size changes. The amendment makes clear that these are surplus products. Vote was 16-0. Rep. William A. Riley for State Institutions.

Amendment

Amend RSA 622:26, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. The warden of the state prison may contract for the sale or lease of surplus prison manufactured products on the open market when in his opinion such sale or lease is in the best interests of the inmates and of the prison and would not conflict unduly with the availability of prison manufactured goods to state and public institutions as provided for in RSA 622:5, VI and 622:28.

Amendment adopted.

Ordered to third reading.

HB 594, establishing a state commission for the blind. Refer to Committee on State Institutions for Interim Study.

It was felt that not enough time was given to determine cost of administration for separate commission. Vote was 11-1. Rep. Gloria M. Randlett for State Institutions.

Referred to the Committee on State Institutions for Interim Study.

HB 368, affecting the responsibilities of the bureau of vital statistics and relating to blood tests required for marriage. Ought to Pass with Amendment.

House Bill 368 was requested by the Bureau of Vital Records and Health Statistics. It removes exception under RSA 126:14, III, which now allows consumer reporting agencies access to vital statistics; makes it unlawful for anyone to copy vital statistics except as authorized by statute or regulations; changes 30-day limit on blood tests to date of filing intentions instead of date of marriage; and puts a limit of 90 days on validity of certificate of marriage. Vote was 15-0. Rep. Margaret M. Hartford for Statutory Revision.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 New Paragraph. Amend RSA 126:14 by inserting after paragraph V the following new paragraph:

VI. It shall be unlawful for any person to copy or issue a copy of all or part of any vital record except as authorized by statute or by regulations issued by the registrar pursuant to RSA 126:3.

Amend the bill by striking out all after

section 3 and inserting in place thereof the following:

4 Validity of Marriage Certificate. Amend RSA 457:26 by striking out in line 8 the word "issue" and inserting in place thereof the following (filing) so that said section as amended shall read as follows:

457:26 Certificate of Filing of Notice of Intention. The town clerk shall, not less than five days from the date on which the notice of intention of marriage was entered in his office, deliver to the parties a certificate, under his hand, embodying the facts required in RSA 457:22, specifying the time when the notice was entered with him, which certificate shall be delivered to the minister or magistrate who is to officiate, before he shall proceed to solemnize the marriage. Said certificate shall be valid only for a period of ninety days from the date of filing.

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Hartford yielded to questions.

Ordered to third reading.

SB 37, relative to the registration of foreign nonprofit corporations. Ought to Pass.

Under Senate Bill 37, non-profit corporations established outside New Hampshire may register in this state and pay the same fee as New Hampshire non-profit corporations. Vote was 11-4. Rep. Stuart V. Nims for the Committee on Statutory Revision.

Ordered to third reading.

HB 336, repealing the Lebanon Regional Airport Authority. Ought to Pass with Amendment.

HB 336 with the amendments repeals the state enabling legislation creating the Lebanon Regional Airport Authority and conforms and ratifies the action by the Authority and the City of Lebanon to transfer the assets and liabilities of the Lebanon Regional Airport to the City by the Authority. Vote was 14-0. Rep. Lorine M. Walter for Transportation.

Amendment

Amend the bill by striking out sections 2 and 3 and inserting in place thereof the following:

2 Authority Abolished. The Lebanon Regional Airport Authority is hereby abolished and the terms of office of the members thereof is terminated. All actions transferring the property owned by said authority together with all of said authorities' records to the city of Lebanon are hereby legalized, ratified and confirmed.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 358, making an appropriation for a permanent motor vehicle substation in the city of Rochester. Inexpedient to Legislate.

The Committee voted 10-5 Inexpedient to Legislate. The feeling of the Committee is that the officials should look for a place to rent to save the cost of \$100,000 without land for this substation. The Committee felt this could be considered in the capital budget under public works. Rep. Frank E. Peterson for Transportation.

Rep. Allen Wilson spoke to the committee report and yielded to questions.

Rep. Wilson moved that HB 358 be laid upon the table.

Motion adopted.

HB 7, relative to the operation of state liquor stores on Sundays and making an appropriation therefor. Ought to Pass with Amendment.

In considering HB 7, the Committee has considered maximum profit possible at the least cost. The Ways and Means Committee voted 14-0 to submit HB 7 Ought to Pass with Amendment limiting Sunday sales to four stores; Portsmouth, North Conway, West Lebanon and Hinsdale.

The amendment also requires review of Sunday openings by Regulated Revenues and Ways and Means Committee in January of 1980. Estimated revenue for the biennium is \$1.2 million. Rep. Marjorie V. Peters for Ways and Means.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Sunday Sales. Amend RSA 177 by inserting after section 2-h the following new section:

177:2-c Sunday Opening. The authority of the liquor commission to make rules and regulations relative to sale of liquor shall include the right to provide that no more than 7 stores may be open for business on any Sunday except Easter Sunday and January first, July fourth or Christmas day, whenever such days fall on a Sunday. Those 7 stores shall include the turnpike stores in Hooksett and the Hampton toll plaza store as provided in 1977, 600:107 and the state liquor stores located in Conway, Portsmouth, Hinsdale and West Lebanon. Each employee shall be compensated 1-1/2 times his regular rate of pay for the actual number of hours worked. Employees may be assigned by the liquor commission and deployed to any store operating on a Sunday schedule. No store shall open for business on a Sunday prior to 1:00 p.m. and shall be closed by 8:00 p.m.

2 Report on Profitability of Stores by Commission. The liquor commission shall report to a joint hearing of the house regulated revenues committee and the house ways and means committee in January of 1980 on the profitability of keeping each of the liquor stores mentioned in section 1 of this act open on Sunday.

3 Appropriation. The sum of \$20,010 for the fiscal year ending June 30, 1979 and the sum of \$60,030 for the fiscal year ending June 30, 1980 are hereby appropriated to the state liquor commission for the purpose of

compensating the employees pursuant to section 1 of this act. These appropriations are in addition to any other funds appropriated to the state liquor commission. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect March 1, 1979.

Amendment adopted.

Rep. O'Connor moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment and spoke to his motion.

Reps. Rounds, Peters and Ward spoke against the motion.

Reps. Elmer Johnson and Cutting spoke in favor of the motion.

Rep. Wallin spoke against the motion and yielded to questions.

Rep. Russell moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 126 NAYS 195

YEAS 126

BEKNAP: Bowler, Hildreth, Mansfield, Nighswander and Randall.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson and Towle.

CHESHIRE: Crane, Jesse Davis, Johnson, Ladd, Lynch, Matson, Miller, Nims, O'Connor and Proctor.

COOS: Brungot, Mayhew, Oleson and Willev.

CRAFTON: Aldrich, George Cate, Chambers, Christy, Clark, Copenhaver, Crorv, Foster, Michael King, Logan, Low and McIver.

HILLSBOROUGH: Burkush, Carswell, Corey, Corser, Craig, Catherine-Ann Day, Drewmiak, Guidi, Hall, Thomas Hynes, Karnis, Lamv, Levesque, Mulligan, Pappas, Plomaritis, Proulx, Reidy, Edward Smith, Leonard Smith, Welch, Emma Wheeler and Zajdel.

MERRIMACK: Allgever, Carroll, John Cate, Daniell, LaBranche, Randlett, Shepard, Stokes and Rick Tromblv.

ROCKINGHAM: Blake, Blanchette, Butler, Marilyn Campbell, Carpenito, Patricia Cote, Ellyson, Beverly Gage, Gould, Greene, Griffin, Hartford, Jackson, Kozacka, Landry, Laycock, Leslie, LoFranco, Loveioy, McCachern, Nelson, Newman, Parolise, Peterson, Pevear, Pucci, Reese, Rogers, Freda Smith, Sticknev, Warhurton and Wojnowski.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Drew, Farnham, Gauvin, James Herchek, Joos, Lessard, McManus, Meader, Nadeau, Pine, Preston, Dennis Ramsey, Robinson, Sackett, Valley and Vaughan.

SULLIVAN: David Campbell, Cutting, D'Amante, Sim Grav, LeBrun, Spaulding and Williamson.

NAYS 195

BFLKNAP: Beard, Birch, Bordeau, Garv
Dionne, French, Hanson, Morin, Sabbow and
Sanders.

CARROLL: Howard, Keller, Kenneth MacDonald
and Kenneth Smith.

CHESHIRE: Baybutt, Callahan, Daniel Eaton,
Ernst, Galloway, Kohl, Moore, Margaret
Ramsay, Russell, Scranton, Vrakatitsis and
Jean White.

COOS: Elmer Beaulac, Burns, Chappell,
Fortier, Guay, Bradley Haynes, Horton, Hunt,
George Lemire, Alcide Valliere, Wiswell and
York.

GRAFTON: Ira Allen, Buckman, Dearborn,
Lowmes, Mann, McAvoy, Pepitone, Rounds,
Seely, Thomson, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Archambault, Arris, Aubut,
Wilfrid Boisvert, Bover, Compagna, Joseph
Cote, Coutermarsh, L. Penny Dion, Donovan,
Beverly Dupont, Clive Eaton, Joseph Eaton,
Gabrielle Gagnon, Nancy Gagnon, Granger, Sal
Grasso, Head, Heald, Healy, Hendrick, Howard
Humphrey, Jamrog, Kaklamanos, Labombardé,
Lefebvre, Roland Lemire, Martel, Mazur,
McCarthy, McLaughlin, Milton Meyers, Morgan,
Morrison, Murray, Nardi, Naro, Odell, Aime
Paradis, Peter Paradis, Pastor, Perkins,
Peters, Podles, Polak, David Ramsay, Peter
Ramsay, Roy, Sallada, Silva, Soucy, Stahl,
Steiner, Francis Sullivan, James Sullivan,
Thibeault, Rock Tremblay, Vachon, Van Loan,
Wallace, Wallin, Eliot Ware, Weaver, Kenneth
Wheeler and Robert Wheeler.

MERRIMACK: Bellerose, Bibbo, Blakeney,
Bodi, Laurent Boucher, Milton Cate,
Clements, Epstein, Holliday, James Humphrey,
Kidder, Locke, McLane, Mitchell, Nichols,
O'Neill, Packard, Paire, Plourde, Ralph,
Doris Riley, William Roberts, Selway, Gerald
Smith, Stockman, Trachy, Ernest Valliere and
Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton,
Bisbee, William Boucher, Collins, Connors,
Roy Davis, Robert Dav, Dunfey, Felch,
Flanagan, Joseph Flynn, Carl Gage, Gibbons,
Hoar, Kane, Kashulines, Keenan, Roger King,
Krasker, Joseph MacDonald, Norman Myers,
Newell, Pantelakos, Quimby, Schmidtchen,
Splaine, Stimmell, Sytek, Tavitian, Tufts,
Vartanian, Vlack, Helen Wilson and Wolfson.

STRAFFORD: Canney, Gosselin, Dianne
Herchek, Morrisette, Pray, Tripp, Whitehead
and Allen Wilson.

SULLIVAN: Edmund Belak, Brodeur, Domini,
Lucas, Palmer, Townsend, Tucker and Wiggins,
and the motion lost.

Referred to Appropriations.

Reps. Griffin and Peterson notified the
Clerk that they wished to be recorded
against HB 7.

RECONSIDERATION

Having voted with the prevailing side,
Rep. Clark moved that the House reconsider

its action wherehy it Referred for Interim
Study HR 226, increasing the road toll on
motor fuel and fuel other than motor fuel
with such proceeds going to a highway
maintenance fund, and spoke to his motion.

Rep. Rounds spoke against the motion.

Rep. Wilfrid Boisvert spoke to the motion.

Rep. Coutermarsh moved the previous
question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently
seconded.

(Speaker presiding)

YEAS 51 NAYS 252

YEAS 51

BFLKNAP: Sabbow.

CARROLL: Dickinson, Keller and Kenneth
Smith.

CHESHIRE: Galloway, Johnson, Matson,
Margaret Ramsay and Vrakatitsis.

COOS: Bradley Haynes and Oleson.

GRAFTON: Aldrich, Ira Allen, Buckman,
George Cate, Clark, Dearborn, Low, McIver
and Thomson.

HILLSBOROUGH: Arris, Wilfrid Boisvert,
Boyer, Lefebvre, Levesque, Odell, Aime
Paradis, Vachon and Wallace.

MERRIMACK: Bellerose, Bibbo, Clements and
Shepard.

ROCKINGHAM: Flanagan, Kashulines, Roger
King, Landry, Norman Myers, Peterson,
Tavitian and Vartanian.

STRAFFORD: Gosselin, Dianne Herchek, James
Herchek, Nadeau and Dennis Ramsey.

SULLIVAN: Cutting, Domini, Palmer, Tucker
and Wiggins.

NAYS 252

BFLKNAP: Beard, Birch, Bordeau, Bowler,
Gary Dionne, French, Hanson, Hildreth,
Mansfield, Morin, Nighswander, Randall and
Sanders.

CARROLL: Roderick Allen, Chase, Desjardins,
Howard, Kenneth MacDonald and Towle.

CHESHIRE: Baybutt, Callahan, Crane, Jesse
Davis, Daniel Eaton, Ernst, Kohl, Ladd,
Lynd, Miller, Moore, Nims, O'Connor,
Proctor, Russell, Scranton and Jean White.

COOS: Elmer Beaulac, Brungot, Chappell,
Fortier, Guay, Horton, Hunt, George Lemire,
Mayhew, Alcide Valliere, Willey, Wiswell and
York.

GRAFTON: Chambers, Copenhaver, Foster,
Michael King, Lowmes, Mann, McAvoy,
Pepitone, Rounds, Seely, Walter, Ward and
Andrew Ware.

HILLSBOROUGH: Archambault, Aubut, Bosse,
Burkush, Carswell, Compagna, Corey, Corser,
Joseph Cote, Coutermarsh, Craig,
Catherine-Ann Day, Donovan, Drewniak,

Beverly Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Guidi, Hall, Head, Heald, Healy, Hendrick, Howard Humphrey, Jamrog, Karnis, Labombarde, Roland Lemire, Martel, Mazur, McLaughlin, Milton Meyers, Morrison, Mulligan, Murray, Nardi, Naro, Pappas, Peter Paradv, Pastor, Perkins, Peters, Podles, Polak, Proulx, David Ramsav, Peter Ramsev, Reidv, Roy, Sallada, Silva, Edward Smith, Leonard Smith, Soucy, Stahl, Steiner, Francis Sullivan, Thibeault Rock Tremblav, Van Loan, Wallin, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, M. Arnold Wight and Zajdel.

MERRITMACK: Blakeney, Laurent Boucher, Carroll, John Cate, Milton Cate, Daniell, Epstein, Holliday, James Humphrey, Kidder, LaBranche, Locke, McLane, Mitchell, Nichols, O'Neill, Paire, Ralph, Randlett, Doris Riley, Selwav, Gerald Smith, Stockman, Stokes, Trachy, Rick Trombly, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Benton, Bishee, Blake, Blanchette, William Boucher, Butler, Marilyn Campbell, Carpenito, Collins, Connors, Patricia Cote, Roy Davis, Robert Day, Dunfey, Ellyson, Felch, Joseph Flynn, Beverly Gage, Gibbons, Gould, Greene, Griffin, Hartford, Hoar, Jackson, Kane, Keenan, Kozacka, Krasker, Lavcock, Leslie, LoFranco, Lovejoy, Joseph MacDonald, McEachern, Nelson, Newell, Newman, Pantelakos, Parolise, Parr, Pevear, Reese, Rogers, Scamman, Schmidtchen, Freda Smith, Splaine, Stickney, Stimmell, Sytek, Tufts, Vlack, Warburton, Helen Wilson, Woinowski and Wolfesen.

STRAFFORD: Burchell, Canney, Ronald Chagnon, DeNafio, Drew, Farnham, Gauvin, Joos, Lessard, McManus, Meader, Morrisette, Pine, Prav, Preston, Robinson, Sackett, Tripp, Valley, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, D'Amante, Sim Gray, LeBrun, Lucas, Spaulding, Townsend and Williamson, and reconsideration lost.

RECONSIDERATION

Rep. Warhurton moved that the House reconsider its action whereby it killed HB 302, providing a "whole man" schedule award under the workmen's compensation act.

Reconsideration lost.

UNANIMOUS CONSENT

Rep. Murray addressed the House under unanimous consent.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 5 at

12:30 p.m. and that any bills removed from the Consent Calendar of Thursday, April 5 be taken up Tuesday, April 10.

Adopted.

LATE SESSION

Third reading and final passage

HB 304, regulating the crossing of public utilities lines over railroad property.

HB 555, establishing a hazardous waste management program.

HB 441, relative to town and county paupers.

HB 421, relative to compulsory police attendance at public dances conducted in cities.

HB 330, relative to the release of inmates at county houses of correction for the purpose of gainful employment or rehabilitation.

HB 566, removing restrictions on the sale of prison products on the open market.

HB 368, affecting the responsibilities of the bureau of vital statistics and relating to blood tests required for marriage.

SB 37, relative to the registration of foreign nonprofit corporations.

HB 336, repealing the Lebanon Regional Airport Authority.

RECESS

Rep. Stimmell moved that the House adjourn.

Adopted.

HOUSE JOURNAL 21

Thursday 5Apr79

The House met at 12:30 p.m.

Prayer was offered by the House Chaplain, Rev. William L. Quirk.

Let us pray:

Almighty God, You are the strength of all of us who place our trust in You. We ask that You graciously hear our prayers.

We entrust ourselves to You because we know that we can do nothing without Your help.

Let our minds be always fixed on Your truths so that, in every word and deed, we may do what is pleasing to You. Amen.

LEAVES OF ABSENCE

Reps. Hardy, Hebert, Cotton, Fisher, Close, Lyons, Russell, John Winn, Schwane, Gordon and Richardson, the day, illness.

Reps. Newell, Jones, Van Loan, Donald Smith, Gerald Smith, Nemzoff-Berman, David Campbell, Spanos, Eisengrein, Proulx, Theriault, Heath, Snell, Burrows and Keefe, the day, important business.

Reps. Matheson and Cecelia Winn, the day, illness in the family.

INTRODUCTION OF GUESTS

4th grade students of Weston School of Manchester and their teacher, Mrs. Turgeon and principal, Mr. Guillemette, guests of Rep. Francis Sullivan; Mrs. James Tillinghast, guest of Rep. Jean White.

Rep. Benton offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 715 through 761 and HBI 2012 through 2017 and Concurrent Resolutions Proposing Constitutional Amendments numbered 13 and 14 and House Concurrent Resolution numbered 10 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 715, relative to the Wentworth-Douglass hospital. (Donnelly of Strafford Dist. 17 - To Statutory Revision)

HB 716, concerning straight ticket voting. (Morrison of Hillsborough Dist. 14 - To Statutory Revision)

HB 717, relative to limits on commercial trapping in the state. (Corser of Hillsborough Dist. 2 - To Fish and Game)

HB 718, relative to nursing homes. (Rogers of Rockingham Dist. 10 - To Health and Welfare)

HB 719, to establish a hazardous

material special board. (Sanders of Belknap Dist. 4; Dickinson of Carroll Dist. 2; Parr of Rockingham Dist. 12; Pevear of Rockingham Dist. 17; Krasker of Rockingham Dist. 22; Griffin of Rockingham Dist. 19; Monier of Dist. 9 - To Executive Departments and Administration)

HB 720, relative to responsibility for acts of vandalism by minors. (Gelinas of Hillsborough Dist. 31; Kaklamanos of Hillsborough Dist. 21; Soucy of Hillsborough Dist. 32; Jamrog of Hillsborough Dist. 28; Brack of Hillsborough Dist. 28; Martineau of Hillsborough Dist. 36; Nims of Cheshire Dist. 15; McDonough of Hillsborough Dist. 29; White of Hillsborough Dist. 27; Cote of Hillsborough Dist. 28; Lamy of Hillsborough Dist. 35; Drewiak of Hillsborough Dist. 30; Vachon of Hillsborough Dist. 33; Crotty of Hillsborough Dist. 30; LeBrun of Sullivan Dist. 3; King of Rockingham Dist. 1; Martel of Hillsborough Dist. 31; Baker of Hillsborough Dist. 14; Granger of Hillsborough Dist. 13; Richards of Hillsborough Dist. 9; Smith of Hillsborough Dist. 34; Grassie of Strafford Dist. 12; Guidi of Hillsborough Dist. 33; Plomaritis of Hillsborough Dist. 15 - To Judiciary)

HB 721, relative to county budget hearings and providing ample time for deliberations. (Howard of Carroll Dist. 1 - To Municipal and County Government)

HB 722, abolishing the election of county commissioners by district in Carroll County. (Howard of Carroll Dist. 1 - To Municipal and County Government)

HB 723, to revise the current use assessment tax. (Greene of Rockingham Dist. 17; Dickinson of Carroll Dist. 2 - To Municipal and County Government)

HB 724, designating the bureau of vital records and health statistics as the health statistics center for New Hampshire and making an appropriation therefor. (French of Belknap Dist. 1 - To Executive Departments and Administration)

HB 725, allowing cities and towns to adopt a provision requiring tuition payments for public school students residing on certain tax-exempt property. (Thomson of Grafton Dist. 7 - To Municipal and County Government)

HB 726, relative to mediation and binding arbitration for public employees. (McDonough of Hillsborough Dist. 29; Zaidel of Hillsborough Dist. 29; Burkush of Hillsborough Dist. 33 - To Labor, Human Resources and Rehabilitation)

HB 727, relative to the employment status of deputy sheriffs. (McDonough of Hillsborough Dist. 29; Zaidel of Hillsborough Dist. 29; Burkush of Hillsborough Dist. 33 - To Municipal and County Government)

HB 728, relative to municipal permit fees for automobile registration. (Packard of Merrimack Dist. 4 - To Municipal and County Government)

HB 729, amending the charter of New England College. (Holliday of Merrimack Dist. 3; Nichols of Merrimack Dist. 3; Allen of Dist. 7 - To Education)

HB 730, establishing a tax relief program for the elderly and disabled based on property tax or rental expenditures. (Nims of Cheshire Dist. 15; Vrakatis of Cheshire Dist. 12 - To Ways and Means)

HB 731, eliminating prohibitions against political contributions by certain organizations. (Hildreth of Belknap Dist. 6 - To Statutory Revision)

HB 732, permitting classified state employees to make political contributions. (Hildreth of Belknap Dist. 6 - To Statutory Revision)

HB 733, relative to the public making oral presentations on matters presented in meetings open to the public. (Cote of Hillsborough Dist. 28 - To Constitutional Revision)

HB 734, relative to the qualifications of attorneys. (Ramsey of Strafford Dist. 13 - To Judiciary)

HB 735, providing a penalty for noncompliance with requirements for posting of certain prescription drug prices. (Cote of Hillsborough Dist. 28 - To Commerce and Consumer Affairs)

HB 736, relative to the liquor licenses and permits granted to convention centers. (Lawton of Belknap Dist. 1 - To Regulated Revenues)

HB 737, deleting the terms defective and delinquent from the duties of the division of welfare. (Epstein of Merrimack Dist. 17 - To Health and Welfare)

HB 738, relative to protective services to adults. (Wilson of Rockingham Dist. 2; McManus of Strafford Dist. 18 - To Judiciary)

HB 739, authorizing the commissioner of public works and highways to prohibit the transporting of hazardous cargo. (Krasker of Rockingham Dist. 22; Griffin of Rockingham Dist. 19 - To Transportation)

HB 740, relative to the university of New Hampshire police force. (Lessard of Strafford Dist. 20 - To Executive Departments and Administration)

HB 741, relative to giving notice of a garage lien on personal property prior to sale. (Scamman of Rockingham Dist. 15 - To Judiciary)

HB 742, relative to the investigation of fires where arson is suspected. (Boucher of Merrimack Dist. 6 - To Public Protection and Veterans' Affairs)

HB 743, adopting the "Uniform Child Custody Act" and establishing the crime of unlawful custody. (Cage of Rockingham Dist. 13; Epstein of Merrimack Dist. 15 - To Judiciary)

HB 744, relative to the reinstatement of Brohead Ford Sales, Inc. (French of Belknap Dist. 1 - To Statutory Revision)

HB 745, revising the manner of nominating certain candidates for special elections. (Hall of Hillsborough Dist. 12 - To Statutory Revision)

HB 746, relative to removing the exemption of the personnel commission from the administrative procedures act. (Hildreth of Belknap Dist. 6 - To Executive Departments and Administration)

HB 747, permitting party affiliation to be changed at certain times by mail. (Hildreth of Belknap Dist. 6 - To Statutory Revision)

HB 748, requiring town clerks to accept voter registration applications. (Hildreth of Belknap Dist. 6 - To Statutory Revision)

HB 749, concerning removing names from checklists. (Hildreth of Belknap Dist. 6 - To Statutory Revision)

HB 750, revising the voter registration

form. (Hildreth of Belknap Dist. 6 - To Statutory Revision)

HB 751, establishing a New Hampshire occupational safety and health program. (Skinner of Rockingham Dist. 3A - To Labor, Human Resources and Rehabilitation)

HB 752, relative to overtime pay for employees. (Walliere of Merrimack Dist. 19; Skinner of Rockingham Dist. 3A; Wheeler of Hillsborough Dist. 8 - To Labor, Human Resources and Rehabilitation)

HB 753, requiring the forfeiture of all accumulated good conduct time for inmates who escape from custody. (Granger of Hillsborough Dist. 13 - To State Institutions)

HB 754, relative to open pit burning in towns less than 1,000 population. (Williamson of Sullivan Dist. 9; Greene of Rockingham Dist. 17; Willey of Coos Dist. 3 - To Environment and Agriculture)

HB 755, prohibiting state funding of abortions. (Granger of Hillsborough Dist. 13; Boisvert of Hillsborough Dist. 22; Paradis of Hillsborough Dist. 8; Naro of Hillsborough Dist. 20; Schwaner of Rockingham Dist. 9; Hardy of Hillsborough Dist. 15; Flynn of Hillsborough Dist. 15; LeBrun of Sullivan Dist. 3 - To Appropriations)

HB 756, relative to appeal tribunals of the department of employment security. (Skinner of Rockingham Dist. 3A; Wheeler of Hillsborough Dist. 8 - To Labor, Human Resources and Rehabilitation)

HB 757, amending various provisions of the unemployment compensation act. (Skinner of Rockingham Dist. 3A - To Labor, Human Resources and Rehabilitation)

HB 758, abolishing the judicial council. (French of Belknap Dist. 1 - To Legislative Administration)

HB 759, establishing a state wild, scenic and recreational rivers system. (Schreiber of Strafford Dist. 4; Ladd of Cheshire Dist. 3 - To Resources, Recreation and Development)

HB 760, concerning a uniform affidavit for residency. (Seely of Grafton Dist. 10 - To Statutory Revision)

HB 761, relative to courtesy deliveries by registered automobile dealers. (Appel of Rockingham Dist. 17 - To Commerce and Consumer Affairs)

HBT 2012, relative to the energy requirements to illuminate the highway system of the state. (Smith of Hillsborough Dist. 34 - To Science and Technology)

HBT 2013, relative to interest rate charges on revolving charge accounts. (Dionne of Belknap Dist. 6 - To Commerce and Consumer Affairs)

HBT 2014, relative to equalizing residency requirements. (Keller of Carroll Dist. 5 - To Statutory Revision)

HBT 2015, relative to the university system board of trustees. (DeNafio of Strafford Dist. 19 - To Education)

HBT 2016, relative to the flat grants system of state aid to education. (Reese of Rockingham Dist. 6; Boucher of Rockingham Dist. 3; Chambers of Grafton Dist. 13 - To Ways and Means)

HBT 2017, relative to creating a marine division to control, regulate and manage all salt water fishing in the state. (Peterson of Rockingham Dist. 22; Griffin of

Rockingham Dist. 19 - To Fish and Game)

CACR 13, Relating To: Budgeting, taxes, and public indebtedness in the state of New Hampshire. Providing That: State, County and Municipal budgets shall be balanced and contain a one percent surplus. A 2/3 vote of the entire membership of each house be required before any sales or income tax is established. Property taxes shall not be increased by more than 5 percent without a 2/3 vote of the qualified voters. The public debt of the state of New Hampshire shall not be increased by more than 5 percent of total public indebtedness without a 2/3 vote of the entire membership of each house. The public debt of any county, municipality or other subordinate governmental unit shall not be increased by more than 5 percent of total indebtedness without a 2/3 vote of that unit's legislative body. (Wiggins of Sullivan Dist. 8 - To Constitutional Revision)

CACR 14, Relating To: The Term of the Governor. Providing That: The Governor Shall Be Elected Every Four Years. (Kaklamanos of Hillsborough Dist. 21; Bodi of Merrimack Dist. 7 - To Constitutional Revision)

HCR 10, ratifying the proposed amendment to the Constitution of the United States giving the District of Columbia representation in Congress. (Lessard of Strafford Dist. 20; Lyons of Hillsborough Dist. 13; Chambers of Grafton Dist. 13; Sen. Spaine of Dist. 24; Sen. Hough of Dist. 5; Sen. Bergeron of Dist. 6 - To Constitutional Revision)

ENROLLED BILLS AMENDMENT

HB 117, excepting tar kettles and conveyors from the requirement for brakes on trailers.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the brake equipment required on certain vehicles.

Amend section 1 of the bill by striking out lines 1-3 and inserting in place thereof the following:

1 Exception to Requirement for Brakes. Amend RSA 263:7 by striking out said section and inserting in place thereof the following:

The title is amended to conform to the substance of the bill. The amending clause is amended to correctly describe the change made to the section.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

Rep. Tucker moved that the Consent Calendar, with the relevant committee amendments, be adopted as printed in today's House Record.

SB 32 was removed from the Consent Calendar at the request of Rep. Tucker.

HB 529 was removed from the Consent Calendar at the request of Rep. Randlett.

HB 386 was removed from the Consent

Calendar at the request of Rep. Dunfey. Adopted.

HR 352, relative to certain add-on charges in connection with motor vehicle sales. Inexpedient to Legislate.

This bill prohibits motor vehicle dealers from imposing add-on charges on the sale of autos. The Committee felt this was covered by present law. The Attorney General's Office had no registered complaints on this matter. Committee action was 15-0. Rep. David L. Gelinas for Commerce and Consumer Affairs.

HR 359, relative to examination and education requirements for podiatrists and chiropodists. Inexpedient to Legislate. This bill is redundant. The New Hampshire Board of Registration in Podiatry has on file in the Office of Administrative Procedures effective rules pertaining to this subject. These rules, promulgated under the Administrative Procedures Act, have the same effect as law. Committee vote was unanimous. Rep. Claire Plomaritis for Commerce and Consumer Affairs.

HB 418, eliminating certain corporate annual report requirements. Ought to Pass. Testimony before Committee indicated that the Secretary of State's Office supports bill and less paper work will be required by the private sector and government with its passage. Vote was unanimous (15-0). Rep. Richard D. Hill for Commerce and Consumer Affairs.

SB 39, relative to the date of bank reports and the filing period. Ought to Pass.

This bill changes the date for the annual report of the Bank Commissioner in order to better conform with current practices in the banking industry. The Committee felt the end result would provide better information and lower costs for both the Banking Department and the affected financial institutions. Vote was 11-0. Rep. Catherine G. Lamy for Commerce and Consumer Affairs.

HB 158, relative to reserving slots in veterinary and medical schools for New Hampshire residents. Ought to Pass.

This bill expands upon the present program where slots are reserved for medical students to also include veterinary students. The legislation provides incentives for graduates to remain and practice in New Hampshire. Public support was very strong at the hearings, from both students and educators. The Committee report was unanimous (15-0). Rep. James M. O'Neill for Education.

Referred to Appropriations.

HB 213, concerning transporting private school pupils. Inexpedient to Legislate. The Committee feels that HB 213 does nothing to clarify current statutes regarding transporting school pupils.

If anything, the bill compounds the problems that already exist with the law. The Committee vote was 15-0. Rep. Iris Valley for Education.

HB 417, concerning permitted uses of school building aid. Ought to Pass. With the decline of school populations and new mandates on safety codes and construction changes to accommodate the handicapped, local districts need permission to apply for aid for building renovation. Under present law, state money is available only for new construction and only if that new construction is needed to cope with increases in school population. The Committee vote was 16-0. Rep. Iris Valley for Education.

Referred to Appropriations.

HR 435, relative to training in osteopathic medicine and making an appropriation therefor. Inexpedient to Legislate.

Committee did not feel there was a need for this legislation at this time. Vote was 16-0. Rep. Robert W. Moore, Jr. for Education.

HB 444, making a supplemental appropriation for food and nutrition services. Ought to Pass with Amendment.

This bill calls for a supplemental appropriation for food and nutrition services. The food and nutrition services program provides balanced meals to school children. The supplemental appropriation is needed to keep in line with federal matching requirements. The bill was strongly supported by spokespersons of the education field, as well as by the Committee. Vote was 16-0. Rep. James M. O'Neill for Education.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The sum of \$85,000 is hereby appropriated to the state board of education for the fiscal year ending June 30, 1979, as a supplemental appropriation to meet the required state revenue match for child nutrition programs. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Referred to Appropriations.

HR 472, requiring the state to initially assume all the costs of educating certain foster children and making an appropriation therefor. Ought to Pass with Amendment.

HR 472 makes the state liable to pay school districts the educational costs of foster children in certain instances. The State would pay when the foster child is brought in from outside the school district under two conditions: (a) out-of-district tuition costs and (b) in-district costs for handicapped children which exceed local average per pupil cost. The vote was

15-0 on the report and for placing on Consent Calendar. Rep. Teresa L. DeNafio for Education.

Amendment

Amend RSA 198:27 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

198:27 Foster Children Brought in from Outside the School District. Notwithstanding any other provision of law to the contrary, the state of New Hampshire, through the department of health and welfare, shall pay all the out of district tuition costs of education and transportation for educational purposes, and in-district cost for handicapped children which exceed local average per pupil cost, for foster children brought into a school district for such foster care from any place that is not within such school district. The school district into which the child is placed for foster care shall bear none of such costs. Any state payments for those children in foster care who remained in the same school district for foster care as they were in before placement in foster care shall be limited to what is payable pursuant to RSA 198:23 through 26 and to RSA 186-A and to any other provision of law.

Referred to Appropriations.

HB 493, to establish a permanent paramedic program at New Hampshire Technical Institute. Ought to Pass.

This bill calls for the establishment of a permanent curriculum at the New Hampshire Technical Institute for paramedics. The program has been in operation for several years with federal funding. The need and value for trained paramedics is beyond question. Experts from the medical field, as well as fire and safety officials strongly support the continuation of the program. Vote was 15-1. Rep. James M. O'Neill for Education.

Referred to Appropriations.

HR 563, concerning surrogate parents. Ought to Pass.

HB 563 places state regulations in compliance with PL 94:142 which requires appointment of a surrogate parent to protect the rights of a handicapped child in cases where the parents or guardian of the child are not known, unavailable, or the child is a ward of the State. Vote was 15-0. Rep. William P. Boucher for Education.

HB 2007, relating to studying foreign exchange programs in New Hampshire post secondary schools. Refer to Committee on Education for Interim Study.

The Committee feels strongly that the problem relative to foreign exchange student programs warrants a thorough study. The vote was 15-0. Rep. Teresa L. DeNafio for Education.

HB 537, relative to hazardous substances liability. Refer to Committee on

Environment and Agriculture for Interim Study.

Subject is important and a constructive study should be done by the Committee. Vote was 17-0. Rep. Myrtle B. Rogers for Environment and Agriculture.

HB 544, relative to unclassified state employees. Inexpedient to Legislate.

At request of sponsor, the bill is reported as Inexpedient to Legislate. Vote was 13-0. Rep. Michael A. Collins for Executive Departments and Administration.

HB 442, relative to the state assuming the cost of neglected children in foster care and making an appropriation therefor. Ought to Pass.

The bill mandates that the state assume the financial obligation for neglected and abused children. Vote was 16-0. Rep. Helen F. Wilson for Health and Welfare.

Referred to Appropriations.

HB 465, to provide personal care attendant services for severely physically disabled persons. Ought to Pass with Amendment.

This bill provides for an appropriation to pay for services given to persons who are severely disabled, as defined by a physician. Vote was 16-0. Rep. Peter R. Selway for Health and Welfare.

Amendment

Amend RSA 161-E:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

161-E:1 Definitions. In this chapter.

I. "Division" shall mean the division of welfare, department of health and welfare.

II. "Personal care attendant" shall mean a qualified non-family member who, in accordance with a plan of care prescribed by a physician and developed in conjunction with and reviewed by a registered nurse, assists severely physically disabled persons to maintain themselves in their homes and gain greater control over their own lives by providing medically oriented long-term maintenance and supportive care. This individual shall be approved by the division of vocational rehabilitation to provide such care.

III. "Severely physically disabled person" shall mean an individual who has been approved to participate in an independent living program of the division of vocational rehabilitation and who requires a minimum of 2 hours of medically orientated personal care per day in order to maintain himself or herself in a noninstitutional setting. Such care may include basic personal care and grooming, assistance with bladder and bowel care, assistance with medications, assistance with nutrition including meal preparation, essential household services, and medical transportation.

Amend RSA 161-E:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

161-E:2 Services Provided. The director of the division shall develop a

program under which severely physically disabled persons eligible for coverage under medical assistance programs are provided with personal care attendants to provide on a periodic basis medically oriented long-term maintenance and supportive care to assist them, as is required in each individual case, to maintain themselves in their homes and gain greater control over their own lives.

Referred to Appropriations.

HB 487, increasing the monthly allowance to residents of shared homes who receive public assistance, and making an appropriation therefor. Ought to Pass with Amendment.

This bill increases the allowance for those living in shared homes to a minimum subsistence level. The bill also provides for additional subsidies for those individuals who require special services. Vote was 17-1. Rep. Matthew S. Epstein for Health and Welfare.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Adult Shared Homes and Bureau of Community Living Homes; Standardization of State Supplement Grants to Residents. Notwithstanding any statute or regulation to the contrary, the monthly state supplement grant for persons living in shared homes certified by the division of welfare and community living homes approved by the division of mental health shall be reimbursed at the same state supplement grant level. The state supplement grant level for shared home residents and community living home residents will be established by the director, division of welfare.

2 Cooperative Agreement; Division of Welfare and Division of Mental Health. The division of welfare and the division of mental health, department of health and welfare shall enter into a cooperative agreement to establish the bureau of community living, division of mental health as the primary provider of community residences for the developmentally disabled and mentally ill. Through this agreement, the director of the division of welfare and the director of the division of mental health shall review the current shared home program administered by the division of welfare to determine those shared homes that would be more appropriately administered as community living homes. The division of mental health upon agreement of both divisions shall then assume the standard setting responsibilities for those homes identified, as well as assume the administrative responsibility of approval and reapproval of these homes. The division of mental health shall further assume the responsibility for providing services to residents of these homes. The division of welfare shall continue to administer the shared homes program for the frail elderly and disabled adult populations who can no longer live independently within

their communities.

3 Community Living Subsidy, Division of Mental Health. The division of mental health shall establish a community living subsidy for those individuals living in approved community living homes and certified by the division of mental health as requiring special services. This community living subsidy as negotiated by the division of mental health shall be paid directly to the community living home provider.

4 Shared Home and Community Living Home Residents; State Supplement Grant. Notwithstanding any statute or regulation to the contrary, the monthly state supplement grant for persons living in certified family and group shared homes and approved community living homes who receive old age assistance, aid to the permanently and totally disabled or aid to the needy blind shall be \$365, including any federal assistance, for the biennium ending June 30, 1981.

5 Supplemental Appropriation. There is hereby appropriated to the division of mental health, department of health and welfare, the sum of \$89,932 for the fiscal year ending June 30, 1980 and the sum of \$171,420 for the fiscal year ending June 30, 1981, to be expended only for the purposes of section 3 of this act. There is further appropriated to the division of welfare, department of health and welfare, the sum of \$308,127 for the fiscal year ending June 30, 1980 and the sum of \$238,287 for the fiscal year ending June 30, 1981, to be expended only for the purposes of section 4 of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect July 1, 1979.

Referred to Appropriations.

HB 672, relative to adverse reactions to required immunizations. Inexpedient to Legislate.

No one appeared to the public hearing. No testimony for or against. Therefore, the Committee felt that without testimony for or against, the bill should be brought in Inexpedient to Legislate. Vote was 14-0. Rep. Rita C. McAvoy for Health and Welfare.

HB 23, to establish a public defender program in Strafford County. Ought to Pass with Amendment.

As a result of a recent Supreme Court decision changing the fee schedule for assigned counsel for indigent persons, HB 23 provides a more economical way to provide such counsel. This bill would be a gradual implementation of a statewide comprehensive public defender/assigned counsel program. Vote was 12-0. Rep. Dianne L. B. Herchek for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

to establish a comprehensive public defender and assigned counsel program in New Hampshire for the defense of indigent persons.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA 604-B (supp) as inserted by 1977, 296:1 by striking out said chapter and inserting in place thereof the following:

CHAPTER 604-B

Public Defender and Assigned Counsel Program

604-B:1 Declaration of Purpose. It is hereby declared to be the policy of the state to continue the public defender programs for representation of indigent criminal cases and to establish and expand a comprehensive program of public defenders and assigned counsel for the remainder of the state.

604-B:2 Representation of Indigents. Notwithstanding the provisions of RSA 604-A, when the appointment of counsel is required for indigent defendants in criminal cases, the court shall appoint one of the public defenders established by this chapter or a qualified attorney assigned by the court, the allocation of cases to be governed by RSA 604-B:3.

604-B:3 Allocation of Cases. The allocation of cases between the public defenders and assigned counsel shall be in accordance with a plan adopted by the judicial council, the public defender office and a committee of 10 lawyers to be appointed by the president of the New Hampshire Bar Association, with each of the 10 counties to be represented on said committee by an attorney practicing in said county.

604-B:4 Public Defenders. Upon the execution of a contract as provided for in RSA 604-B:5, there shall be a public defender program as provided by said contract.

604-B:5 Contract. The judicial council, with the approval of the governor and council, is hereby authorized to enter into a 2 year contract to establish any office or offices of public defenders to provide legal services for indigent defendants in criminal cases, irrespective of county lines, as may be required under the provisions of RSA 604-A.

604-B:6 Compensation. The compensation for legal services for indigent defendants represented by a public defender shall be such sums as may be fixed by the contract authorized by RSA 604-B:5.

2 Effective Date. This act shall take effect July 1, 1979.

Referred to Appropriations.

HB 237, relative to the report of adult abuse. Ought to Pass. Committee voted 12-0 in favor of reporting bill ought to pass. This requires reporting adult abuse much the same as is presently required for child abuse. Rep. Delight H. Reese for Judiciary.

HB 297, relative to the violation of the laws relating to dogs. Ought to Pass.

This bill simplifies dog violations and allows a civil forfeiture payable to the town as opposed to tying up the courts. Vote was 12-1. Rep. Daniel A. Eaton for Judiciary.

HB 344, relative to the penalties for assault, manslaughter and attempted murder. Ought to Pass.

This bill revises the statutes to assault and lists the circumstances under which assault may be a Class A felony, a Class B felony, a misdemeanor or a violation. The penalty for the most serious assaults is thus raised from current maximum of 7 years to a maximum of 15 years. Vote was 13-0. Rep. Doris J. Riley for Judiciary.

HB 345, redefining the term "sexual contact" as used in RSA 632-A, relative to sexual assault and related offenses. Ought to Pass.

This bill covers an area which was accidentally left out when the Criminal Code was recodified. The Committee voted unanimously to recommend ought to pass. Rep. Daniel W. Jones for Judiciary.

HB 350, relative to the circumstances under which theft is a class B felony. Ought to Pass.

This bill would eliminate an inconsistency in the law which allows a person who has twice before been convicted of theft of property or services valued at \$100 or less to be convicted of a class B felony while a person convicted twice before of the theft of property or services valued at more than \$100 but less than \$500 would still be convicted of just a misdemeanor. Vote was 16-0. Rep. Richard E. Boyer for Judiciary.

HB 351, amending the "child pornography" statute. Ought to Pass with Amendment.

This bill was recommended to the Committee by the Attorney General's Office as a housekeeping measure in order to delete the ambiguous phrase "pornographic purposes" and substitute in its place the phrase "in order to create obscene material as defined in RSA 650:1, IV". By making this substitution it is believed that dismissal of criminal cases brought under this statute will be avoided. Vote was 16-0. Rep. Richard E. Boyer for Judiciary.

Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Acts of Sexual Conduct; Children. Amend RSA 169:32, II (supp) by striking out said paragraph and inserting in place thereof the following:

II. Notwithstanding the provisions of paragraph I, any parent, guardian or person having custody or control of a child, or

anyone else, who shall knowingly or wilfully, encourage, aid, cause, or abet, or connive at, or has knowingly done any act to produce, promote or contribute to the utilization of a child in any acts of sexual conduct as defined in RSA 650:1, VI, in order to create obscene material as defined in RSA 650:1, IV, shall be guilty of a class B felony.

HB 443, increasing the limit of the concurrent jurisdiction of district courts in civil matters. Ought to Pass with Amendment.

Increases maximum amount of damages in civil actions for which district courts have jurisdiction concurrent with that of the Superior Court from \$3,000 to \$5,000. Catches up with inflation. Amendment merely adds words "associate justice" at appropriate place. Vote was 18-0. Rep. Francis E. Robinson for Judiciary.

Amendment

Amend the bill by striking out section I and inserting in place thereof the following:

1 Amount Increased. Amend RSA 502-A:14, II (supp) as inserted by 1963, 331:1 as amended by striking out said paragraph and inserting in place thereof the following:

II. CONCURRENT JURISDICTION. All district courts shall have concurrent jurisdiction with the superior court of civil actions for damages in which the damages claimed do not exceed \$5,000, the title to real estate is not involved and the plaintiff or defendant resides within the district where such court is located. In all such actions unless trial by jury is claimed as hereinafter provided, the parties shall be heard by the justice, associate justice or special justice and the findings of fact shall be final but questions of law may be transferred to the supreme court in the same manner as from the superior court.

HB 452, relative to the possession of controlled drugs. Ought to Pass.

This bill solves a problem for persons who may be using more than one controlled drug prescribed by a physician. Permits person to carry more than one drug in one container if that container is labeled properly by a pharmacist and the person carrying it has an identification card attesting to his right to carry the drug in a container other than that in which it was delivered to him originally. Vote was unanimous. Rep. Francis E. Robinson for Judiciary.

HB 528, relative to granting grandparents visitation rights of minor children. Ought to Pass.

Bill allows the Superior Court to grant grandparents reasonable visitation privileges with their grandchildren upon divorce or a nullified marriage. At the present time the grandparents' only recourse is with a sympathetic judge. Bill was requested by AARP (American Association of Retired Persons).

Committee vote was 12-0. Rep. Minnie F. Carswell for Judiciary.

HB 557, to permit governmental bodies or agencies to hold executive sessions for receipt of sensitive personnel or financial matters from an employer or agent. Inexpedient to Legislate.

All witnesses requested bill be withdrawn pending publication of the Attorney General's revised opinion relative to exceptions to the Right-to-Know Law. It appears that the substance of this bill is already included in RSA 91-A:5 which will be clarified by the Attorney General's opinion. Vote was 16-0. Rep. David W. Jones for Judiciary.

HB 370, providing for unemployment compensation dependency payments. Inexpedient to Legislate.

This benefit is discriminatory. Improvements in benefits for the unemployed are needed and will be addressed on a fairer basis in another bill. Committee vote was 14-0. Rep. Kenneth H. Gould for Labor, Human Resources and Rehabilitation.

HBI 2003, relating to the holding of hearings on policies of the liquor commission. Inexpedient to Legislate.

The Legislature will go through the Sunset process on the Liquor Commission next year. At that time, and in context with a review of the entire agency, the policies of the Commission relative to revoking liquor licenses will be reviewed. Vote was 15-0. Rep. David L. Gosselin for Legislative Administration.

HB 436, revising the limit of town deposits and allowing for secured deposits in excess of the 20 day limitation. Ought to Pass.

This bill is needed and makes a lot of sense to cities and towns. Vote was 12-0. Rep. Ezra B. Mann II for Municipal and County Government.

HB 440, relative to increasing the pay of sheriffs and deputy sheriffs for court attendance. Inexpedient to Legislate.

No testimony either in favor or in opposition to this bill. Because of lack of interest, the Committee felt the bill should be inexpedient to legislate. Vote was 14-0. Rep. Dorothy J. Drewniak for Municipal and County Government.

HB 592, relative to the penalty assessment levied on criminal fines. Inexpedient to Legislate.

The New Hampshire Police Training Academy is an outstanding activity devoted to upgrading the caliber of New Hampshire peace officers. At the present time the academy is wholly funded by a "surcharge" on the fines levied in the District and Municipal Courts, and the academy is therefore not a drain on the general fund. HB 592, with proposed amendment, would support the academy by a part of the actual

fines (rather than by a surcharge on the fines), and would ultimately transfer the cost of the academy to the general fund, as the greater part of the court fines (after take-out for the support of the court) are earmarked for support of certain state agencies, Division of Motor Vehicles, Fish and Game Department, Department of Agriculture, Aeronautics Commission, etc. Any transfer of the fine money to the police academy would require that the general fund make up the shortfall to the state agencies; this could well be between \$200 - 300,000. Committee vote was 12-0. Rep. Fred W. Snell for Public Protection and Veterans' Affairs.

HB 416, requiring a permit for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor. Ought to Pass with Amendment.

This bill requires designers and installers of subsurface sewage or waste disposal systems to obtain a permit from Water Supply and Pollution Control Commission which will protect consumers against improperly designed or installed systems. The amendment clarifies the administrative procedures. Committee vote was 20-0. Rep. Michael B. King for Resources, Recreation and Development.

Amendment

Amend RSA 149-E:3, X as inserted by section one of the bill by striking out same and inserting in place thereof the following:

X. (a) All applications, plans, and specifications submitted in accordance with this chapter for subsurface sewage or waste disposal systems shall be prepared and signed by the person who is directly responsible for same and who has a permit issued by the commission to perform such work. The commission shall issue a permit to any person who applies to the commission, and pays a fee of \$15 and who has demonstrated a sound working knowledge of the procedures and practices required in the site evaluation, design and operation of subsurface sewage or waste disposal systems. The commission shall require an oral or written examination or both to determine who may qualify for a permit. Individuals who have been actively engaged in the practice of designing systems for at least 12 months prior to January 1, 1980 shall not be required to submit to such examination, but shall be issued a permit upon filing an application and paying the initial fee, if application is made before June 30, 1980. Permits shall be issued from January 1 and shall expire December 31 of each year. Permits shall be renewable upon proper application and payment of an annual fee of \$10. The permit issued to any such person may be suspended, revoked or not renewed only for just cause and after such person has had a full opportunity to be heard by the commission. An appeal from such decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 541.

(h) Any person who desires to submit plans and specifications for a sewage or waste disposal system for his own domicile shall not be required to obtain a permit under this paragraph provided that he attests to his eligibility for such exemption in the application for construction approval. The commission may require by rule that a permittee under this paragraph also be a registered professional engineer with a civil or sanitary designation in order to submit applications for construction approval in certain complex situations. All fees collected pursuant to this paragraph shall be deposited with the state treasurer as unrestricted revenue.

Amend RSA 149-E:3-a, as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:
149-E:3-a System Installer Permit.

I. No person shall engage in the business of installing subsurface sewage or waste disposal systems under this chapter without first obtaining an installer's permit from the commission. The permit holder shall be responsible for installing the subsurface sewage or waste disposal system in accordance with the intent of the approved plan. The commission shall issue an installer's permit to any person who submits an application provided by the commission, pays a fee of \$15 and demonstrates a sound working knowledge of RSA 149-E:3 and the ability to read approved waste disposal plans. The commission shall require an oral or written examination or both to determine who may qualify for an installer's permit. Individuals who have been actively engaged in the business of installing systems for at least 12 months prior to January 1, 1980 shall not be required to submit to such examination, but shall be issued a permit upon filing an application and paying the initial fee, if application is made before June 30, 1980. Permits shall be issued from January 1 and shall expire December 31 of each year. Permits shall be renewable upon proper application payment of an annual fee of \$10. The installer's permit may be suspended, revoked or not renewed for just cause, including but not limited to the installation of waste disposal systems in violation of this chapter or the refusal by a permit holder to correct defective work. No permit shall be suspended, revoked or the renewal of a permit shall not be refused except for just cause until the permit holder has had an opportunity to be heard by the commission. An appeal from such decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 541. All fees shall be deposited with the state treasurer as unrestricted revenue.

II. Any person who desires to install or repair a waste disposal system for his own domicile shall not be required to obtain an installer's permit as provided in paragraph I, provided he complies with all the rules and regulations of the water supply and pollution control commission.

Amend section 5 of the bill by striking out same and inserting in place thereof the following:

5 Effective Date. This act shall take effect January 1, 1980.

Referred to Appropriations.

HB 450, providing for the acquisition of certain dams and water rights by the water resources board and making appropriations therefor. Ought to Pass.

This bill is an inter-agency bill requested by Resources and Economic Development to transfer state owned dams to the Water Resources Board. The dams are part of the state park systems and have been inspected by the Army Corps of Engineers and found to be deficient and in need of repair. Vote was 14-0. Rep. Philip C. Heald, Jr. for Resources, Recreation and Development.

Referred to Appropriations.

HB 524, relative to treating millfoil in Moultonboro bay and making an appropriation therefor. Refer to Committee on Resources, Recreation and Development for Interim Study.

The problem of millfoil growth in our state waters is becoming a real menace. It needs attention on a statewide basis, not just one area as the bill calls for. Therefore, the Committee recommends the bill go to interim study to not only correct existing problems, but also seek the source, so preventative measures can be taken to stop reoccurrence. Vote was 14-0. Rep. Philip C. Heald, Jr. for Resources, Recreation and Development.

HB 553, expanding the use of the forest improvement fund to include improvements to state parks. Ought to Pass.

This is a housekeeping bill within the Department of Resources and Economic Development. Requested by the Department. Vote was 11-0. Rep. Philip C. Heald, Jr. for Resources, Recreation and Development.

Referred to Appropriations.

HB 377, making an appropriation for the establishment of programs for industrial engineering technologists and computer engineering technologists. Ought to Pass.

The purpose of this bill is to train New Hampshire students as technologists for industrial engineering and computer engineering jobs to meet urgent existing needs in industry. The existing needs range between 400-500 and this program will supply about 100 graduates each year. Committee vote was 10-0. Rep. M. Arnold Wight for Science and Technology. Referred to Appropriations.

HB 395, to eliminate state-wide library borrowers' cards. Refer to Committee on State Institutions for Interim Study.

After all the testimony, Committee felt it was more confused and decided more time was needed for study. Vote was 16-0. Rep. Gloria M. Randlett for State Institutions.

HB 396, relative to the library development program and making an

appropriation therefor. Refer to Committee on State Institutions for Interim Study.

After all the testimony, Committee felt it was confused and more time was needed for study. Vote was 15-0. Rep. Gloria M. Randlett for State Institutions.

HB 424, relative to the railroad tax. Inexpedient to Legislate.

This bill would create a hardship on the railroads and further make them a reporting agency to the State of New Hampshire with very little revenue to the State for its efforts and none for the railroads. Vote was 14-1. Rep. Kenneth C. Smith for Transportation.

HB 495, relative to the filing date for road toll refunds. Ought to Pass.

This bill makes the deadline for applying for a road toll refund uniform with federal filing date for refund of the federal excise tax on fuel. Vote was 15-0. Rep. Kenneth C. Smith, Sr. for Transportation.

HB 517, providing that emergency vehicles shall make use of audible or visual signals rather than audible and visual signals. Ought to Pass.

Majority of Committee feels that in the operation of emergency vehicles, the operator should be able to use his (or her) judgment in using either visual or audible signals (or both) when responding to an emergency. It was pointed out to the Committee that under certain conditions, involving vehicular, pedestrian, traffic, (weather, etc.) audible and visual signals used together could add to the problem at hand. The use of one signal under this bill would protect the operator of the emergency vehicle if the speed limit, etc. was exceeded, while responding. The Department of Safety supports this bill. Vote was 16-0. Rep. Edwin L. Waters for Transportation.

Rep. Tucker moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Tuesday, April 10 at 12:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 418, eliminating certain corporate annual report requirements.

SB 39, relative to the date of bank reports and the filing period.

HB 563, concerning surrogate parents.

HB 237, relative to the report of adult abuse.

HB 297, relative to the violation of the laws relating to dogs.

HB 344, relative to the penalties for assault, manslaughter and attempted murder.

HB 345, redefining the term "sexual contact" as used in RSA 632-A, relative to sexual assault and related offenses.

HR 350, relative to the circumstances under which theft is a class B felony.

HB 351, amending the "child pornography" statute.

HR 443, increasing the limit of the concurrent jurisdiction of district courts in civil matters.

HR 452, relative to the possession of controlled drugs.

HR 528, relative to granting grandparents visitation rights of minor children.

HB 436, revising the limit of town deposits and allowing for secured deposits in excess of the 20 day limitation.

HB 495, relative to the filing date for road toll refunds.

HB 517, providing that emergency vehicles shall make use of audible or visual signals rather than audible and visual signals.

RECESS

(Rep. Chambers in the chair)

Rep. James J. White offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 701 and 762 through 874 and HBIs 2018 through 2025 and concurrent Resolutions Proposing Constitutional Amendments numbered 15 and 16 and House Concurrent Resolutions numbered 11 through 14 and House Resolution numbered 18, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, HBIs, CACRs, HCRs AND HR
First, second reading and referral

HB 701, to establish a division of occupational licensing, certification and registration and to recodify and standardize the statutes of various occupational boards. (Townsend of Sullivan Dist. 1; Willev of Coos Dist. 3; Plourde of Merrimack Dist. 7; Blanchette of Rockingham Dist. 14; Plomaritis of Hillsborough Dist. 15; Vrakatitsis of Cheshire Dist. 12; Palmer of Sullivan Dist. 7 - To Executive Departments and Administration)

HB 762, relative to establishing human services coordinating councils. (Copenhaver of Grafton Dist. 13; Baybutt of Cheshire Dist. 16 - To Health and Welfare)

HR 763, relative to property taxation of mobile homes. (Sanders of Belknap Dist. 4 - To Municipal and County Government)

HR 764, relative to current use. (Belak of Sullivan Dist. 2 - To Environment and Agriculture)

HB 765, relative to child support enforcement. (Taffe of Grafton Dist. 5 - To Health and Welfare)

HB 766, relative to elections in cities, towns, and village districts. (Ramsey of Strafford Dist. 13; Vaughan of Strafford Dist. 5 - To Statutory Revision)

HB 767, relative to the budgets for the house clerk, house majority leader and house minority leader. (Pine of Strafford Dist. 4; Allen of Carroll Dist. 5 - To Legislative Administration)

HB 768, providing for an office of stenographic services for the house of representatives. (Morrisette of Strafford Dist. 7; Dickinson of Carroll Dist. 2; Allen of Carroll Dist. 5 - To Legislative Administration)

HB 769, amending the public employee labor relations law. (Skinner of Rockingham Dist. 3A - To Labor, Human Resources and Rehabilitation)

HB 770, relative to the registration of adult boarding homes. (Wiviott of Merrimack Dist. 16; Seely of Grafton Dist. 10; Townsend of Sullivan Dist. 1 - To Health and Welfare)

HB 771, relative to the sale of power by limited electrical energy producers. (Daniell of Merrimack Dist. 13; Ralph of Merrimack Dist. 13 - To Science and Technology)

HB 772, exempting a residence as an asset under the expanded elderly exemption for taxed property. (Newman of Rockingham Dist. 18 - To Municipal and County Government)

HB 773, authorizing the inter-county transfer of female prisoners and committal of persons who fail to pay fines to any house of correction or jail. (Wallin of Hillsborough Dist. 16; Lyons of Hillsborough Dist. 13; White of Hillsborough Dist. 27; Record of Hillsborough Dist. 17; Boisvert of Hillsborough Dist. 22; Gagnon of Hillsborough Dist. 21; Wallace of Hillsborough Dist. 22; Soucy of Hillsborough Dist. 32; Sweeney of Hillsborough Dist. 34; Brack of Hillsborough Dist. 28; Dav of Hillsborough Dist. 26; Morgan of Hillsborough Dist. 3; Van Loan of Hillsborough Dist. 9; Carswell of Hillsborough Dist. 13; Polak of Hillsborough Dist. 14; Perkins of Hillsborough Dist. 8 - To Municipal and County Government)

HB 774, establishing procedures for class actions in state courts. (J. Herchek of Strafford Dist. 16 - To Judiciary)

HB 775, relative to service of affidavits. (J. Herchek of Strafford Dist. 16 - To Judiciary)

HB 776, providing for reciprocal rights of alimony enforcement for husband and wife. (J. Herchek of Strafford Dist. 16 - To Judiciary)

HB 777, to remove restrictions on branch banking. (Pucci of Rockingham Dist. 5; Kaklamanos of Hillsborough Dist. 21; Bodi of Merrimack Dist. 7; Cage of Rockingham Dist. 5; Hildreth of Belknap Dist. 6; Griffin of Rockingham Dist. 19 - To Commerce and Consumer Affairs)

HB 778, relative to the employment of an attorney to handle closing transactions on real property purchases. (Collins of Rockingham Dist. 5 - To Judiciary)

HB 779, relative to the siting of nuclear facilities. (Belak of Sullivan Dist. 2 - To Environment and Agriculture)

HB 780, relative to school district elections. (Randall of Belknap Dist. 3 - To Statutory Revision)

HB 781, relative to the public utilities commission and its authority to contract for electrical power. (Chambers of Grafton Dist. 13; Proctor of Cheshire Dist. 14 - To Commerce and Consumer Affairs)

HB 782, relative to the prize limit for beano games. (Spiro of Hillsborough Dist. 27 - To Regulated Revenues)

HB 783, relative to the public employee labor relations. (Chambers of Grafton Dist. 13; French of Belknap Dist. 1 - To Labor, Human Resources and Rehabilitation)

HB 784, relative to the house capital budget overview committee. (Bibbo of Merrimack Dist. 2; LaMott of Grafton Dist. 6; White of Hillsborough Dist. 27 - To Public Works)

HB 785, relative to increasing flexibility in capital budget procedures. (Bibbo of Merrimack Dist. 2; LaMott of Grafton Dist. 6; White of Hillsborough Dist. 27 - To Public Works)

HB 786, establishing a 5 member committee to study the possibility of developing a uniform comprehensive definition of residency. (Seely of Grafton Dist. 10; Taffe of Grafton Dist. 5 - To Judiciary)

HB 787, relative to the disconnection of utility service by public utilities during certain winter months. (Coutermarsh of Hillsborough Dist. 24 - To Commerce and Consumer Affairs)

HB 788, relative to lead paint poisoning in dwellings. (White of Hillsborough Dist. 27; Brack of Hillsborough Dist. 28; Lamv of Hillsborough Dist. 25; Nardi of Hillsborough Dist. 27 - To Health and Welfare)

HB 789, relative to county budgetary procedures. (White of Hillsborough Dist. 27; Lyons of Hillsborough Dist. 13; Brack of Hillsborough Dist. 28 - To Municipal and County Government)

HB 790, to permit the state to purchase a certain parcel of land in Bedford. (Smith of Hillsborough Dist. 34; Sweeney of Hillsborough Dist. 34 - To Public Works)

HB 791, concerning a minimum residency requirement for certain candidates. (Maglaras of Strafford Dist. 17; Nadeau of Strafford Dist. 10 - To Statutory Revision)

HB 792, requiring members of planning boards to take a soils course within one year after their appointment or election thereto. (Collins of Rockingham Dist. 5 - To Municipal and County Government)

HB 793, relative to municipal employees. (Collins of Rockingham Dist. 5 - To Municipal and County Government)

HB 794, providing certain temporary protection for persons suffering abuse. (Dunfev of Rockingham Dist. 12 - To Judiciary)

HB 795, enabling municipalities to implement the constitutional provision relative to single member districts for the state house of representatives. (Morrison of Hillsborough Dist. 14; Hall of Hillsborough Dist. 12 - To Municipal and County Government)

HB 796, to improve services to the developmentally impaired. (Epstein of Merrimack Dist. 15 - To Health and Welfare)

HB 797, relative to the operation of mobile home parks by owners and operators. (Keenan of Rockingham Dist. 11; King of Grafton Dist. 13; Dunfey of Rockingham Dist. 12; Belak of Sullivan Dist. 2; Woodman of Rockingham Dist. 12; Sullivan of Hillsborough Dist. 32; Cahill of Rockingham Dist. 15; Gibbons of Rockingham Dist. 4; Felch of Rockingham Dist. 11; Canney of Strafford Dist. 2; Kohl of Cheshire Dist. 15; Gage of Rockingham Dist. 13 - To Constitutional Revision)

HB 798, relative to the authority of off-duty law enforcement officers. (Eaton of Cheshire Dist. 11 - To Constitutional Revision)

HB 799, relative to planning boards. (Morrison of Hillsborough Dist. 14; Smith of Hillsborough Dist. 14 - To Municipal and County Government)

HB 800, relative to the office space study committee. (Roberts of Belknap Dist. 4; LaMott of Grafton Dist. 6; Cate of Merrimack Dist. 13 - To Legislative Administration)

HB 801, relative to the legislative historical committee. (Roberts of Belknap Dist. 4; French of Belknap Dist. 1 - To Legislative Administration)

HB 802, relative to state purchase of the Upham-Walker house and making an appropriation therefor. (French of Belknap Dist. 1; Spirou of Hillsborough Dist. 27; Griffin of Rockingham Dist. 19 - To Appropriations)

HB 803, to restructure travel allowances for members of the general court. (Allen of Carroll Dist. 5; Blakeney of Merrimack Dist. 17 - To Legislative Administration)

HB 804, relative to interstate cooperation concerning disposal of containers and solid waste. (Allen of Carroll Dist. 5 - To State-Federal Relations)

HB 805, requiring complete fiscal responsibility in the decommissioning of nuclear electric generating facilities by operating utilities. (Bowler of Belknap Dist. 3; Sen. Allen of Dist. 7 - To Science and Technology)

HB 806, relative to political contributions, expenditures and advertising. (Kaklamanos of Hillsborough Dist. 21; Flanagan of Rockingham Dist. 6; Randall of Belknap Dist. 3; Conley of Dist. 3 - To Statutory Revision)

HB 807, relative to the bonding of county and municipal officers. (Tucker of Sullivan Dist. 4 - To Municipal and County Government)

HB 808, to conform the state unemployment compensation law to federal requirements specified in P.L. 94-566 amended. (Skinner of Rockingham Dist. 3A; LaMott of Grafton Dist. 6; Spirou of Hillsborough Dist. 27; French of Belknap Dist. 1 - To Labor, Human Resources and Rehabilitation)

HB 809, relative to the protection of persons from domestic violence. (Wallin of Hillsborough Dist. 16; Blanchette of Rockingham Dist. 14; Wilson of Rockingham Dist. 2; Morrison of Hillsborough Dist. 14; Belak of Sullivan Dist. 2; Epstein of Merrimack Dist. 15; Roy of Dist. 22; Wageman of Dist. 16 - To Judiciary)

HB 810, relative to the classification of highways and state construction and reconstruction of highways. (White of Hillsborough Dist. 27; Ribbo of Merrimack Dist. 2 - To Public Works)

HB 811, to include public utilities in the municipal bond bank act. (Ware of Hillsborough Dist. 12 - To Commerce and Consumer Affairs)

HB 812, amending the city charter of Franklin. (Trachv of Merrimack Dist. 13; Daniell of Merrimack Dist. 13 - To Municipal and County Government)

HB 813, relative to compulsory motor vehicle liability insurance. (Wilson of Strafford Dist. 11 - To Commerce and Consumer Affairs)

HB 814, relative to the reinstatement of disqualification periods for unemployment compensation. (Spirou of Hillsborough Dist. 27 - To Labor, Human Resources and Rehabilitation)

HB 815, relative to eligibility requirements for unemployment compensation. (Spirou of Hillsborough Dist. 27 - To Labor, Human Resources and Rehabilitation)

HB 816, repealing the law that exempts the department of employment security from the right to know law. (Spirou of Hillsborough Dist. 27 - To Judiciary)

HB 817, relative to reassessments ordered by the board of taxation. (Johnson of Cheshire Dist. 3; LaMott of Grafton Dist. 6 - To Ways and Means)

HB 818, relative to the transportation of hazardous material. (Dickinson of Carroll Dist. 2; Sanders of Belknap Dist. 4; Parr of Rockingham Dist. 12; Pevear of Rockingham Dist. 12; Krasker of Rockingham Dist. 22; Griffin of Rockingham Dist. 19; MacDonald of Rockingham Dist. 20; Monier of Dist. 9 - To Public Protection and Veterans' Affairs)

HB 819, to revise the corporate statutes. (Rover of Hillsborough Dist. 20; Morgan of Hillsborough Dist. 3; Ramsev of Hillsborough Dist. 33 - To Judiciary)

HB 820, to eliminate the practice of "double-dipping" in the state of New Hampshire. (Boisvert of Hillsborough Dist. 22; Gagnon of Hillsborough Dist. 21 - To Executive Departments and Administration)

HB 821, amending the mechanics lien law. (Hynes of Hillsborough Dist. 25; Healy of Hillsborough Dist. 29 - To Judiciary)

HB 822, relative to investment by savings banks in mobile home and motor home loans. (Rodi of Merrimack Dist. 7; Monier of Dist. 9; Sanborn of Dist. 17; McLaughlin of Dist. 13; Provost of Dist. 18; Rock of Dist. 12; Bergeron of Dist. 6; Gardner of Dist. 4; Wageman of Dist. 16 - To Commerce and Consumer Affairs)

HB 823, concerning the presidential preference primary. (Chambers of Grafton Dist. 13; Russell of Cheshire Dist. 13; Dunfey of Rockingham Dist. 12; Krasker of Rockingham Dist. 22; Hildreth of Belknap Dist. 6; Proctor of Cheshire Dist. 14 - To Statutory Revision)

HB 824, allowing graduates of accredited law schools to practice as a paralegal. (Cote of Hillsborough Dist. 28 - To Judiciary)

HB 825, relative to public school interscholastic athletic competition. (Tufts of Rockingham Dist. 13 - To Education)

HB 826, giving the moderator the same power as regards persons voting in person that he has as regards absentee voters. (Keller of Carroll Dist. 5 - To Municipal and County Government)

HB 827, relative to office space for political parties of the house of representatives. (Collins of Rockingham Dist. 5; Buckman of Grafton Dist. 9 - To Legislative Administration)

HB 828, relative to the salaries of the house clerk and assistant clerk. (Allen of Carroll Dist. 5; Johnson of Cheshire Dist. 3; Granger of Hillsborough Dist. 13 - To Legislative Administration)

HB 829, relative to auctions. (Guay of Coos 5 - To Executive Departments and Administration)

HB 830, relative to the New Hampshire port authority. (Peterson of Rockingham Dist. 22; Griffin of Rockingham Dist. 19 - To Resources, Recreation and Development)

HB 831, concerning delinquency, child protection and children in need of services. (Blanchette of Rockingham Dist. 14; Wilson of Rockingham Dist. 2; Nighswander of Belknap Dist. 2; Spanos of Sullivan Dist. 6; Champagne of Dist. 20; Gardner of Dist. 4 - To Health and Welfare)

HB 832, relative to the treatment of alcoholism. (Pucci of Rockingham Dist. 5; Copenhaver of Grafton Dist. 13; Carpenito of Rockingham Dist. 5; Vaughan of Strafford Dist. 5; Smith of Rockingham Dist. 5; Dav of Hillsborough Dist. 26; Leslie of Rockingham Dist. 5 - To Executive Departments and Administration)

HB 833, relative to judicial review of zoning board and board of adjustment decisions. (Taffe of Grafton Dist. 5 - To Constitutional Revision)

HB 834, relative to impasse procedures under the public employee labor relations act. (Spirou of Hillsborough Dist. 27; Spanos of Sullivan Dist. 6; Bodi of Merrimack Dist. 7; Day of Hillsborough Dist. 26; Zaidel of Hillsborough Dist. 29; Burkush of Hillsborough Dist. 33; Splaine of Dist. 24 - To Labor, Human Resources and Rehabilitation)

HB 835, reorganizing the program on alcoholism and drug abuse. (Chambers of Grafton Dist. 13; Copenhaver of Grafton Dist. 13; Griffin of Rockingham Dist. 19; Wilson of Rockingham Dist. 2 - To Executive Departments and Administration)

HB 836, allowing post secondary students to work for wage rates set by the labor commissioner. (Day of Hillsborough Dist. 26; Van Loan of Hillsborough Dist. 9 - To Labor, Human Resources and Rehabilitation)

HB 837, relative to review of expenses for legislative business. (Allen of Carroll Dist. 5; Johnson of Cheshire Dist. 3 - To Legislative Administration)

HB 838, permitting the director of motor vehicles to assist town and city clerks in collecting bad checks for motor vehicle permit fees. (Head of Hillsborough Dist. 10; Packard of Merrimack Dist. 4; Dion of Hillsborough Dist. 21 - To Transportation)

HB 839, redefining the term "permanent policemen" as used in RSA 100-A, relative to the New Hampshire retirement system. (Dion of Hillsborough Dist. 21 - To Executive Departments and Administration)

HB 840, relative to railroad police. (Hoar of Rockingham Dist. 8 - To Transportation)

HB 841, relative to thoroughbred horse breeding. (Rogers of Rockingham Dist. 10; Bisbee of Rockingham Dist. 10; Day of Rockingham Dist. 3; Dunfee of Rockingham Dist. 12 - To Executive Departments and Administration)

HB 842, to include registered clinical social workers in the category of services authorized under minimum mental illness coverage under major medical and non-major medical accident and health insurance. (Nighswander of Belknap Dist. 2; Plomaritis of Hillsborough Dist. 15; Riley of Cheshire Dist. 10 - To Commerce and Consumer Affairs)

HB 843, prohibiting the detention of minors in a house of correction or jail. (Wallin of Hillsborough Dist. 16 - To State Institutions)

HB 844, restricting smoking in enclosed public places. (Blakeney of Merrimack Dist. 17; Day of Hillsborough Dist. 26; Blake of Rockingham Dist. 8; Allen of Dist. 7 - To Commerce and Consumer Affairs)

HB 845, establishing the office of ombudsman. (Ramsey of Hillsborough Dist. 33; Wojnowski of Rockingham Dist. 14; Farnham of Strafford Dist. 18; Vrakatitsis of Cheshire Dist. 12 - To Executive Departments and Administration)

HB 846, increasing the bonding authority of the New Hampshire housing finance agency and increasing the number of members of said agency. (Spirou of Hillsborough Dist. 27; Roberts of Belknap Dist. 4 - To Commerce and Consumer Affairs)

HB 847, relative to the timber yield tax. (Johnson of Cheshire Dist. 3 - To Ways and Means)

HB 848, providing for review of bar examination results. (Cote of Hillsborough Dist. 28 - To Judiciary)

HB 849, relative to review of lawyer's moral qualifications. (Cote of Hillsborough Dist. 28 - To Judiciary)

HB 850, establishing training, certification, utilization and supervision of professional guardians. (Hanson of Belknap Dist. 5 - To State Institutions)

HB 851, relative to the treatment of terminal cancer patients and persons suffering from severe glaucoma. (Hanson of Belknap Dist. 5 - To Health and Welfare)

HB 852, relative to the termination of parental rights. (Copenhaver of Grafton Dist. 13; Sen. Champagne of Dist. 20 - To Health and Welfare)

HB 853, relative to legal representation for social workers. (Blanchette of Rockingham Dist. 14; Nighswander of Belknap Dist. 2; Gardner of Dist. 4; Wageman of Dist. 16 - To Judiciary)

HB 854, allowing municipal employers to pay their group I employees' contributions to the New Hampshire retirement system. (Hildreth of Belknap Dist. 6; Sackett of Strafford Dist. 4 - To Executive Departments and Administration)

HB 855, relative to the size of bargaining units under the public employee labor relations act. (Hildreth of Belknap Dist. 6 - To Labor, Human Resources and Rehabilitation)

HB 856, relative to increasing the size of the public employee labor relations board. (Hildreth of Belknap Dist. 6 - To Labor, Human Resources and Rehabilitation)

HB 857, relative to the distribution of the Revised Statutes Annotated and the session laws. (French of Belknap Dist. 1 - To Legislative Administration)

HB 858, to enable state-chartered banks to compete with banks operating under federal charter. (LaMott of Grafton Dist. 6 - To Commerce and Consumer Affairs)

HB 859, to prohibit increased fuel adjustment charges based on substituted power and fuel costs. (Smith of Hillsborough Dist. 34; Proctor of Cheshire Dist. 14; Lessard of Strafford Dist. 20; McManus of Strafford Dist. 18; Vaughan of Strafford Dist. 5 - To Commerce and Consumer Affairs)

HB 860, relative to the house capital budget overview committee. (White of Hillsborough Dist. 27; Boisvert of Hillsborough Dist. 72; LaMott of Grafton Dist. 6; Palmer of Sullivan Dist. 7; Bibbo of Merrimack Dist. 2; Keller of Carroll Dist. 5; Griffin of Rockingham Dist. 19 - To Legislative Administration)

HB 861, relative to automobile insurance. (Smith of Hillsborough Dist. 34; Grassie of Strafford Dist. 12; Morrisette of Strafford Dist. 7 - To Commerce and Consumer Affairs)

HB 862, providing for the restitution of victims of crimes through use of forfeited bail money. (Ladd of Cheshire Dist. 3 - To Judiciary)

HB 863, relative to the conversion of solid waste into energy. (Dunfey of Rockingham Dist. 12; Keenan of Rockingham Dist. 11 - To Science and Technology)

HB 864, relative to planning bicycle trails when laying out and constructing new highways. (Schreiber of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 865, relative to organization of county delegations. (Hanson of Belknap Dist. 5 - To Municipal and County Government)

HB 866, permitting certain school districts to pay teachers' contributions to the New Hampshire retirement system. (Skinner of Rockingham Dist. 3A; Day of Hillsborough Dist. 26; Head of Hillsborough Dist. 10 - To Executive Departments and Administration)

HB 867, relative to the installation of urea-formaldehyde based foam insulation. (Smith of Hillsborough Dist. 14; Morrison of Hillsborough Dist. 14; Arris of Hillsborough Dist. 14 - To Commerce and Consumer Affairs)

HB 868, relative to the extension and expansion of water utility service. (Smith of Hillsborough Dist. 14; Dolbec of Hillsborough Dist. 14; Arris of Hillsborough Dist. 14; Morrison of Hillsborough Dist. 14 - To Resources, Recreation and Development)

HB 869, establishing the crime of retail theft. (Eaton of Cheshire Dist. 11; Skinner of Rockingham Dist. 3A; Soucy of Hillsborough Dist. 32; Smith of Merrimack Dist. 21; Felch of Rockingham Dist. 11; Wolfson of Rockingham Dist. 15; Tucker of Sullivan Dist. 4; Blaisdell of Dist. 10 - To Judiciary)

HB 870, relative to the prohibition of juice bars and bottle clubs. (Lamv of Hillsborough Dist. 35; Spiro of

Hillsborough Dist. 27; White of Hillsborough Dist. 27; Drewniak of Hillsborough Dist. 30; Reidy of Hillsborough Dist. 34; Podles of Hillsborough Dist. 25; Soucy of Hillsborough Dist. 32; Zajdel of Hillsborough Dist. 29; Burkush of Hillsborough Dist. 33; Parady of Hillsborough Dist. 26; Guidi of Hillsborough Dist. 33; Dupont of Hillsborough Dist. 36; Nardi of Hillsborough Dist. 27; Sullivan of Hillsborough Dist. 32; McCarthy of Hillsborough Dist. 29; Mazur of Hillsborough Dist. 26; Healy of Hillsborough Dist. 29; Rov of Hillsborough Dist. 37; Martel of Hillsborough Dist. 31; Sullivan of Hillsborough Dist. 30; Day of Hillsborough Dist. 26 - To Judiciary)

HB 871, legalizing the Hanover town meeting. (Chambers of Grafton Dist. 13; Copenhaver of Grafton Dist. 13; King of Grafton Dist. 13; Crory of Grafton Dist. 13 - To Municipal and County Government)

HB 872, renaming the Laconia airport authority and amending the composition of the authority and the appointive agency. (Roberts of Belknap Dist. 4 - To Transportation)

HB 873, relative to judgments for attorneys' fees and judgments rendered against the state pursuant to RSA 99-D. (Spanos of Sullivan Dist. 6 - To Transportation)

HB 874, abolishing the commission on the status of women. (Granger of Hillsborough Dist. 13 - To Executive Departments and Administration)

HCR 11, to apply to congress of the United States to call a convention to propose an amendment to protect the lives of the unborn. (Granger of Hillsborough Dist. 13; Ramsey of Strafford Dist. 13; Boisvert of Hillsborough Dist. 22; Labombard of Hillsborough Dist. 16; Paradis of Hillsborough Dist. 8; Naro of Hillsborough Dist. 20; Johnson of Cheshire Dist. 3; Flynn of Hillsborough Dist. 15; Schwaner of Rockingham Dist. 9; LeBrun of Sullivan Dist. 3 - To State-Federal Relations)

HCR 12, relative to the dredging and widening of the Piscataqua River. (Griffin of Rockingham Dist. 19; Parr of Rockingham Dist. 12; Krasker of Rockingham Dist. 22; Peavar of Rockingham Dist. 17; Sanders of Belknap Dist. 4; Dickinson of Carroll Dist. 2 - To State-Federal Relations)

HCR 13, relative to initiating a state-wide agricultural production and food policy. (Blakeney of Merrimack Dist. 17; Campbell of Rockingham Dist. 5; Burchell of Strafford Dist. 12; Allen of Dist. 7; Hancock of Dist. 15 - To Environment and Agriculture)

HCR 14, relative to naming the Richard D. Hanson hall in the legislative office building. (Warburton of Rockingham Dist. 8; Roberts of Merrimack Dist. 5; Stio of Merrimack Dist. 5; Mann of Grafton Dist. 6 - To Legislative Administration)

HBI 2018, relative to the athletic commission. (Spiro of Hillsborough Dist. 27 - To Executive Departments and Administration)

HBI 2019, relative to the proposed bridge over the Pemigewasset River in Franklin. (White of Hillsborough Dist. 27; Daniell of Merrimack Dist. 13; Ralph of Merrimack Dist. 13; Trachy of Merrimack Dist. 13 - To Public Works)

HBI 2020, relative to the reorganization of county government. (Dunfey of Rockingham Dist. 12; Mulligan of Hillsborough Dist. 19 - To Municipal and County Government)

HBI 2021, relative to New Hampshire's participation in New England regional energy associations. (Proctor of Cheshire Dist. 14; Burchell of Strafford Dist. 12; Stahl of Hillsborough Dist. 17 - To Science and Technology)

HBI 2022, relative to supportive services for members of the general court. (Allen of Carroll Dist. 5; Eaton of Cheshire Dist. 11 - To Legislative Administration)

HBI 2023, relative to studying the requirement of reporting of well digging information to the state. (Schreiber of Strafford Dist. 4 - To Executive Departments and Administration)

HBI 2024, relative to the house of representatives taking action urging unrepresented districts to fill vacancies within its membership. (Riley of Hillsborough Dist. 26 - To Statutory Revision)

HBI 2025, relative to conversion of seasonal dwellings to year round use. (Schreiber of Strafford Dist. 4 - To Resources, Recreation and Development)

CACR 15, Relating To: A limitation on Property Tax Increases and State Mandated Programs for Municipalities. Providing That: The Percentage of Property Tax Increases Shall not Exceed the Percentage of Per Capita Income Increase During the Previous Year Without 2/3 Vote of Legislative Body and That the Legislature Must Fund Programs Mandated for Municipalities. (Granger of Hillsborough Dist. 13; Sheperd of Merrimack Dist. 4 - To Constitutional Revision)

CACR 16, Relating To: meetings of the legislature. Providing That: The legislature shall meet in annual sessions and receive mileage for not more than 90 legislative days during the biennium. (Spirou of Hillsborough Dist. 27; French of Belknap Dist. 1 - To Constitutional Revision)

HR 18, deploring the department of transportation's plan to discontinue the Montreale passenger train service. (Coutermarsh of Hillsborough Dist. 24 - To State-Federal Relations)

RECESS

Rep. French moved that HB 254 be made a special order for Tuesday, April 10, and spoke to his motion.

Adopted.

Reps. French and Spirou moved that the House adjourn.

Adopted.

HOUSE JOURNAL 22

Tuesday 10 Apr 79

The House met at 12:30 p.m.

Prayer was offered by the House Chaplain, Rev. William L. Quirk.

Let us pray:

O Lord God Almighty, preserve us this day by Your power and presence.

May all our words, thoughts and actions reflect Your holy and providential plan for us and those we represent.

By Your pleasure, may You direct and govern our hearts and minds in loyal obedience to Your will.

May Your blessings be always on us and keep us reconciled with You and with one another. Amen.

Rep. Tufts led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Miss Susan Smith of Derry, soprano, appearing through the courtesy of the New Hampshire Commission on the Arts, rendered a brief selection of songs.

LEAVES OF ABSENCE

Reps. John Winn, Fisher, Close, Cotton, Aubut, Bowler, Gordon, Sanders, Martineau, Richardson, Dickinson, Drew and Pepitone, the day, illness.

Reps. Dolbec, Jones, Nemzoff-Berman, Keefe, Burrows, Cahill, Robert Thibeault, Greene and Eisengrein, the day, important business.

Reps. Matheson and Cecelia Winn, the day, illness in the family.

INTRODUCTION OF GUESTS

8th grade students from Derryfield School of Manchester and their teacher, Charles Sanborn, guests of Rep. Reese; Jeff Hummell and Lee Gagnon, guest and son of Rep. Nancy Gagnon; Ruth Kenney and son Jamie, guests of Rep. Carpenito; 8th grade students from Hudson Memorial and Rundlett Jr. High School of Concord, guests of the House; 15 German exchange students from Manchester Memorial High School and their teachers, Mrs. Weiss and Mrs. Hartmann, guests of the House.

SENATE MESSAGE CONCURRENCE

HB 131, relative to the disposition of fines collected for making false statements in procuring fish and game licenses.

HB 148, providing for seasons and bag limits on snowshoe hares and cottontail rabbits.

HB 36, relative to shelter required to be made available to horses.

HB 203, exempting certain individuals from specific fish and game laws.

HB 121, relative to the keeping of wild

animals.

HB 141, relative to the importing and releasing of wild animals in the state.

HB 122, relative to the definition of "game animals."

HB 190, relative to the penalty for the illegal taking of wild turkey.

HB 101, relative to the sealing and sale of the skins of fur-bearing animals.

HB 225, relative to the authority of Franklin Pierce Law Center to confer degrees.

HB 217, relative to municipal budget law submission forms.

HB 149, relative to expenses for insurance examiners and making an appropriation therefor.

HB 307, relative to patient employment at New Hampshire hospital.

HB 207, providing that eye enucleations be performed by trained persons, in addition to physicians and surgeons under the anatomical gifts act.

HB 104, relative to local highway safety programs in certain village districts.

HB 336, repealing the Lebanon Regional Airport Authority.

HB 343, relative to organ donors being specified on identification cards cards issued by the Director of motor vehicles.

HB 118, creating the New Hampshire national guard scholarship fund.

HB 215, relative to acceptance of village district roads by municipalities.

Rep. French offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, HBI 2026 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HBI

First, second reading and referral

HBI 2026, relative to certain maintenance contracts for the state house complex. (Plourde of Merrimack Dist. 7 - To Legislative Administration)

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 111, making an appropriation to the Nansen ski club. (Appropriations)

SB 70, relative to the preparation and processing of the state judicial branch. (Judiciary)

SB 98, relative to the maintenance of probation department funds in an interest bearing account and appropriating the interest therefrom. (Ways and Means)

SB 107, relative to the bonding authority of the New Hampshire housing finance agency. (Commerce and Consumer Affairs)

SB 113, providing for the confidentiality of pistol permits. (Public Protection and Veterans' Affairs)

ENROLLED BILLS REPORT

HB 36, relative to shelter required to be made available to horses.

HB 101, relative to the sealing and sale

of skins of fur-bearing animals.

HB 104, relative to local highway safety programs in certain village districts and school districts.

HB 121, relative to the keeping of wild animals.

HB 148, providing for seasons and bag limits on snowshoe hares and cottontail rabbits.

HB 190, relative to the penalty for the illegal taking of wild turkey.

HB 203, exempting certain individuals from specific fish and game laws.

HB 207, providing that eye enucleations be performed by trained persons, in addition to physicians and surgeons, under the anatomical gifts act.

HB 217, relative to municipal budget law submission forms.

HB 225, relative to the authority of Franklin Pierce Law Center to confer degrees.

HB 307, relative to patient employment at New Hampshire hospital.

HB 1, relating to the nature of supervisory unions.

HB 8, repealing the statute which established an advisory committee to study the salaries of state officials and employees.

HB 13, changing references in statutes from medical referees to medical examiners and allowing counties to establish fees and mileage to be paid to medical examiners and performers of autopsies.

HB 72, relative to minors using muzzle loading firearms.

HB 77, relative to the payment of salaries for county elected officials.

HB 115, relative to the statutory definition of agriculture and farming.

HB 122, relative to the definition of "game animals."

HB 221, relative to contracts by the department of public works and highways.

CACR 8, Relating to: When Proposed Constitutional Amendments Can Be Placed on the Ballot. Providing that: All Proposed Amendments Shall Only be Placed On the Ballot of the Next Biennial November Election.

CACR 9, Relating to: Voting procedures on constitutional convention sponsored amendments. Providing that: The convention, by a three-fifths majority vote of the entire membership, may propose constitutional amendments.

HB 117, relative to the brake equipment required on certain vehicles.

HB 118, creating the New Hampshire national guard scholarship fund.

HB 144, to permit certain qualified persons other than registered nurses to administer oral medications.

HB 215, relative to acceptance of village district roads by municipalities.

Sen. Laurier Lamontagne
For the Committee

ENROLLED BILLS AMENDMENTS

HB 102, repealing the \$100,000 property holding limitation of the New Hampshire Antiquarian Society.

Amendment

Amend the bill by striking out section 2

and inserting in place thereof the following:

2 Adoption by Society. Section 1 of this act shall take effect upon its adoption by the New Hampshire Antiquarian Society at its regular meeting in 1979 or at any special meeting of this society duly called and convened for the purpose of adopting this act. The clerk of the society shall notify the secretary of state in writing within 10 days after it adopts the provisions of this act.

3 Effective Date. Section 2 of this act shall take effect upon its passage. Section 1 shall take effect as provided in section 2.

This amendment corrects an error in the effective date of the bill whereby the requirement that the Society notify the secretary of state of its adoption of the changes provided in the bill was omitted. The amendment also clarifies the effective date of the bill.

Adopted.

HB 131, relative to the disposition of fines collected for making false statements in procuring fish and game licenses.

Amendment

Amend section one of the bill by striking out lines 1 - 5 and inserting in place thereof the following:

1 Fines Collected to Fish and Game Fund. Amend RSA 214:12 as amended by striking out said section and inserting in place thereof the following:

This amendment is necessary to correct an error in the amending language of section 1 which is the result of an amendment to the bill.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the Consent Calendar, with the relevant committee amendments, be adopted as printed in today's House Record.

HB 574 was removed at the request of Rep. Sabhow.

HB 541 was removed at the request of Rep. Williamson.

Adopted.

HB 554, relative to the immunization of school children. Inexpedient to Legislate. This bill does not clarify the current situation. There is no provision as to who would enforce the law and no provisions for transfer students. Questions regarding private schools and religious exemptions indicate much ambiguity in the bill. The Committee vote was 13-0. Rep. Iris Valley for Education.

HB 621, relative to the payment mechanism by which the state assists local school districts pay for the costs of special education. Ought to Pass with Amendment.

This bill simplifies the process by which payments are made for excess costs of educating the handicapped; it permits direct payment to the educational institution. This eliminates the cost appearing in local budgets and later reimbursement to the towns and cities. Vote was 13-0. Rep. Iris Valley for Education.

Amendment

Amend RSA 186-A:8, II (c) as inserted by section 1 of the bill by striking out said subparagraph and inserting in place thereof the following:

(c) for costs of rooming and boarding the handicapped outside the district shall be limited to twice the state average cost per pupil of the current expenses of operation of the public elementary, junior high or high school as estimated by the state board of education for the preceding school year. This current expense of operation shall include all costs except costs of transportation of pupils, and except capital outlay and debt obligations. The state board shall make payments for such costs which exceed twice the state average costs per pupil, as such costs arise.

HB 2, relative to proceedings in certain sexual assault cases. Ought to Pass with Amendment.

Attempts to improve the rights of juvenile victims in sexual assault cases while continuing to protect the rights of the defendant. Vote was 17-0. Rep. Anthony A. McManus for Judiciary.

Amendment

Amend RSA 632-A:8 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

632-A:8 In Camera Testimony. In the cases where the victim is under 16 years of age, the victim's testimony shall be heard in camera unless good cause is shown by the defendant. All other testimony and evidence introduced during the proceeding shall be public.

HB 324, relative to establishing local emergency telephone service. Inexpedient to Legislate.

Committee felt this was adequately taken care of in previous legislation. Vote was 8-0. Rep. Selma R. Jackson for Science and Technology.

HB 363, prohibiting telephone companies from charging a toll for any calls placed to another phone within the geographical boundaries of a town. Inexpedient to Legislate.

Committee felt this legislation unnecessary as the utilities are on record with the Public Utilities Commission to comply before September 30th. Vote was 7-0. Rep. Selma R. Jackson for Science and Technology.

The Speaker called for the Special Orders.

HB 299, concerning the location of the liquor store on Interstate 95 and increasing the amounts of funds therefor. Ought to Pass with Amendment.

This bill authorizes the construction of a new liquor store on Route I-95 on a specific location in Hampton Falls and increases the appropriation for that purpose. The amendment specifies the measures to be taken to separate the state facility from the Town of Hampton Falls. It also provides for giving the surplus acreage not needed by the State to the Town of Hampton Falls to help preserve the integrity of its master plan and zoning code and specifically prohibits any other use but municipal. Vote was 14-1. Rep. George D. Keller for Public Works.

Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Unused Land Conveyed to Hampton Falls. Amend 1978, 49:4 by inserting after paragraph V the following new paragraph:

VI. Unused Land to Hampton Falls. The unused portion of the land on which the liquor store and accompanying facilities are to be built as provided in paragraph I of this section, an area consisting of approximately 27 acres, shall be conveyed by the commissioner of public works and highways to the town of Hampton Falls to be used by said town for whatever purpose, other than commercial or residential development, the town shall determine. If at any time the area so conveyed is used for the purpose of commercial or residential development the land shall automatically revert to the ownership of the state. The commissioner of public works and highways shall fence off and properly landscape the boundary line which will separate the land conveyed to the town of Hampton Falls and the land on which the liquor store is constructed.

4 Bonds. Amend 1978, 49:7 by striking out in line 4 the number "\$17,359,334" and inserting in place thereof the following (\$17,609,334) so that said section as amended shall read as follows:

49:7 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, V and 4, IV of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$17,609,334 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, provided, however, that the bonds issued pursuant to subparagraphs II, C; III, B and IV, C of section 2 of this act shall have a maturity date of 5 years from their date of issue.

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Rick Trombly moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Pevear, Parr, Dunfee, Woodman and

Blanchette spoke in favor of the motion.

Reps. James J. White and Keller spoke against the motion.

Rep. Brack moved that HB 299 be laid upon the table.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 62 NAYS 260

YEAS 62

BELKNAP: Beard, French and Sabbow.

CARROLL: Roderick Allen, Keller and Kenneth MacDonald.

CHESHIRE: Moore, Scranton and Vrakatisis.

COOS: Fortier, Theriault, Alcide Valliere and York.

GRAFTON: George Cate, Christy, Clark, LaMott, Logan, Seelv, Snell, Thomson and Andrew Ware.

HILLSBOROUGH: Archambault, Wilfrid Boisvert, Bosse, Brack, Compagna, Joseph Eaton, Sal Grasso, Healy, Lyons, Mazur, McLaughlin, Milton Mevers, Perkins, Podles, Roy, Sallada, Silva, Stylianos, Rock Tremblay, Wallace, Weaver, James J. White and Zajdel.

MERIMACK: Bibbo, Milton Cate, Clements, Mitchell, Paire and Waters.

ROCKINGHAM: William Boucher, Roy Davis, Robert Day, Quimby, Schmidtchen and Vlack.

STRAFFORD: Gosselin, Hebert and Nadeau.

SULLIVAN: Tucker and Wiggins.

NAYS 260

BELKNAP: Birch, Lawton, Mansfield, Morin, Nighswander and Randall.

CARROLL: Chase, Heath, Howard, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Crane, Jesse Davis, Daniel Eaton, Ernst, Galloway, Kohl, Ladd, Lynch, Miller, Nims, O'Connor, Proctor, Margaret Ramsay, William Riley, Russell and Jean White.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Chappell, Guav, Bradley Haynes, Horton, Hunt, George Lemire, Mayhew, Oleson, Willey and Wiswell.

GRAFTON: Aldrich, Ira Allen, Buckman, Chambers, Copenhaver, Crory, Dearborn, Foster, Michael King, Low, Lowmes, Mann, McAvoy, McIver, Taffe, Walter and Ward.

HILLSBOROUGH: Ainley, Arris, Baker, Rover, Burkush, Carswell, Corey, Corser, Joseph Cote, Craig, Catherine-Ann Day, L. Pennv Dion, Donovan, Drenwaki, Beverly Dupont, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Guidi, Hall, Hardy, Head, Heald, Hendrick, Thomas Hynes, Jamrog, Kaklamanos, Karnis, Lefebvre, Levesque, Madigan, Marcoux, Morgan,

Morrison, Mulligan, Fred Murray, Nardi, Naro, Odell, Pappas, Pastor, Peters, Plomaritis, Polak, Proulx, David Ramsay, Peter Ramsey, Record, Reidy, Paul Riley, Leonard Smith, Soucy, Spirou, Stahl, Steiner, Vachon, Van Loan, Wallin, Eliot Ware, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Allgeyer, Ayles, Bellerose, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Colby, Daniell, Epstein, Hill, Holliday, James Humphrey, Kidder, LaBranche, Locke, Nichols, O'Neill, Ralph, Doris Riley, William Roberts, Selway, Shepard, Gerald Smith, Stio, Stockman, Stokes, Trachy, Rick Trombly, Underwood, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Bisbee, Blake, Blanchette, Butler, Marilyn Campbell, Carpenito, Collins, Connors, Patricia Cote, Dunfev, Ellyson, Felch, Flanagan, Joseph Flvnn, Beverlv Gage, Carl Gage, Gibbons, Gould, Griffin, Hartford, Jackson, Kane, Kashulines, Keenan, Roger King, Kozacka, Krasker, Landry, Laycock, Leslie, LoFranco, Lovejoy, Joseph MacDonald, Norman Myers, Nelson, Newell, Newman, Pantelakos, Parolise, Parr, Peterson, Pevear, Pucci, Reese, Rogers, Scamman, Schwaner, Skinner, Freda Smith, Sticknev, Stimmell, Sytek, Tavitian, Tufts, Vartanian, Warburton, Wojnowski, Wolfson and Woodman.

STRAFFORD: Burchell, Canney, Ronald Chagnon, DeNafio, Donnelly, Farnham, Gauvin, Charles Grassie, Joos, Lessard, Maglaras, Meader, Morrisette, Pine, Pray, Preston, Dennis Ramsey, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Valley, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, Cutting, D'Amante, Domini, Sim Grav, LeBrun, Lucas, Palmer, Spanos, Spaulding, Townsend and Williamson and the motion lost.

Rep. Scamman moved that HB 299 be Indefinitely Postponed.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 248 NAYS 74

YEAS 248

BELKNAP: Birch, French, Lawton, Nighswander, Randall and Sabbow.

CARROLL: Roderick Allen, Chase, Heath, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Crane, Jesse Davis, Daniel Eaton, Ernst, Ladd, Lynch, Miller, Moore, Nims, O'Connor, Proctor, William Riley, Russell and Vrakatisis.

COOS: Brungot, Burns, Chappell, Fortier, Guav, Bradley Haynes, Hunt, Mayhew, Theriault, Alcide Valliere and Willev.

GRAFTON: Ira Allen, Chambers, Clark, Copenhaver, Crory, Dearborn, Michael King, Logan, Low, McIver, Seelv, Snell, Taffe and Walter.

HILLSBOROUGH: Baker, Rosse, Boyer, Burkush, Carswell, Corser, Joseph Cote, Craig, Catherine-Ann Day, L. Pennv Dion, Donovan, Drewniak, Beverly Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Gelinias, Girolimon, Granger, Guidi, Hall, Hardy, Head, Heald, Hendrick, Jamrog, Kaklamanos, Karnis, Lamv, Lefebvre, Levesque, Lyons, Madigan, Marcoux, McLaughlin, Milton Meyers, Morgan, Morrison, Mulligan, Murray, Nardi, Naro, Odell, Pappas, Pastor, Peters, Plomaritis, Podles, Proulx, Peter Ramsey, Record, Reidy, Paul Riley, Roy, Sallada, Leonard Smith, Soucy, Spirou, Stahl, Steiner, Stylianos, Rock Tremblay, Vachon, Van Loan, Wallace, Wallin, Eliot Ware, Welch, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Allgever, Ayles, Bellerose, Blakeney, Rodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Colbv, Daniell, Epstein, Hill, Hollidav, Kidder, LaBranche, Mitchell, Nichols, O'Neill, William Roberts, Shepard, Gerald Smith, Stio, Stockman, Stokes, Trachy, Rick Trombly, Underwood, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Appel, Bisbee, Blake, Blanchette, William Boucher, Butler, Marilyn Campbell, Carpenito, Collins, Connors, Patricia Cote, Roy Davis, Robert Day, Dunfee, Ellyson, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Griffin, Hartford, Jackson, Kane, Kashulines, Keenan, Roger King, Kozacka, Krasker, Landry, Laycock, Leslie, LoFranc, Lovejoy, Joseph MacDonald, Nelson, Newell, Newman, Pantelakos, Parr, Peterson, Pevear, Pucci, Reese, Rogers, Scamman, Schmidtchen, Schwane, Skinner, Freda Smith, Stickney, Stimmell, Sytek, Tavitian, Tufts, Vartanian, Warburton, Wojnowski, Wolfsen and Woodman.

STRAFFORD: Burchell, DeNafio, Donnelly, Farnham, Gauvin, Gosselin, Charles Grassie, Joos, Lessard, Maglaras, Meader, Morrisette, Pine, Preston, Dennis Ramsey, Sackett, Schreiber, Donald Smith, Tripp, Valley, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Edmund Belak, David Campbell, Cutting, D'Amante, Sim Gray, LeBrun, Lucas, Spanos, Spaulding, Townsend and Williamson.

NAYS 74

BELKNAP: Beard, Mansfield and Morin.

CARROLL: Howard and Keller.

CHESHIRE: Galloway, Kohl, Margaret Ramsay, Scranton and Jean White.

COOS: Elmer Beaulac, Bouchard, Horton, George Lemire, Oleson, Wiswell and York.

GRAFTON: Aldrich, Buckman, Christy, Foster, LaMott, Lownes, Mann, McAvoy, Thomson, Ward and Andrew Ware.

HILLSBOROUGH: Ainley, Archambault, Aris, Wilfrid Boisvert, Brack, Compagna, Corey, Gabrielle Gagnon, Sal Grasso, Healy, Thomas Hynes, Mazur, Perkins, Polak, David Ramsay, Silva, Weaver, Robert Wheeler, James J. White, M. Arnold Wight and Zajdel.

MERRIMACK: Ribbo, Clements, James Humphrey, Locke, Paire, Ralph, Doris Rilev, Selway and Wiviott.

ROCKINGHAM: Felch, Norman Myers, Parolise, Quimby and Vlack.

STRAFFORD: Canney, Ronald Chagnon, Hebert, Nadeau, Pray, Robinson.

SULLIVAN: Brodeur, Domini, Palmer, Tucker and Wiggins, and HB 299 was Indefinitely Postponed.

Rep. French moved that debate be limited to 30 minutes equally divided on all further committee reports.

Adopted.

HB 386, relative to disclosure of certain "flat rate" labor charges by motor vehicle repair facilities. Inexpedient to Legislate.

Committee vote was 16-0. Committee feels bill is superfluous as consumer is already protected by statutes now in use. Chapter 358-D "Regulations of Motor Vehicle Repair Facilities" requires customer to have written estimate on request plus sign putting forth all other regulations. Rep. C. Dana Christy for Commerce and Consumer Affairs.

Resolution adopted.

SB 32, providing a supplemental appropriation to the barbers' examining and licensing board. Ought to Pass.

The Committee felt that this bill corrects an oversight in a previously approved bill. Vote was 12-1 on report and for placing on Consent Calendar. Rep. Robert W. Dearborn for Executive Departments and Administration.

Rep. Tucker moved that SB 32 be Indefinitely Postponed and spoke to his motion.

Rep. Dearborn spoke in favor of the motion.

Adopted.

HB 529, relating to the powers of the commissioner of public works and highways. Ought to Pass.

This bill would remove from the statutes legislation which was passed in the 1978 Special Session by a last minute Conference Committee amendment. This, in effect, circumvented public hearings and committee consideration. It contradicted the power and purpose of the Legislature.

Public hearings last year would have revealed that giving the Highway Commissioner this authority was unnecessary because the Highway Department already may issue permits where they are needed. The law placed undue political pressure on his office and the Highway Department testified that this bill must be passed to keep excessive truck weights from seriously damaging highways and bridges. Vote was 16-0. Rep. W. Murray Clark for Transportation.

Referred to Appropriations.

COMMITTEE REPORTS
(Regular Calendar)

HB 460, relative to certain supplemental appropriations. Ought to Pass with Amendment.

Unanimous vote of Committee. This bill was necessary to raise the funds needed to complete projects already authorized and started by previous legislation. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out all after section 8 and inserting in place thereof the following:

9 Appropriation for the Aeronautics Commission. Amend 1975, 504:1, III (d) as amended by 1977, 493:3, III (d) by striking out said subparagraph and inserting in place thereof the following:

(d) Perimeter fencing of
Concord Municipal Airport \$225,000
Less federal 180,000
Less local 18,000*
Net appropriation \$27,000
*Project not to be completed unless the city of Concord contributes its share.

10 Appropriation for Lebanon Regional Airport. Amend 1978, 49:1, III, B by striking out said subparagraph and inserting in place thereof the following:

B. Lebanon regional airport
(1) Reconstruct runway
18-36 620,000
Less federal 558,000
Net appropriation paragraph (1) 62,000
(2) Slurry seal runway
7-25 140,000
Less federal 112,000
Net appropriation paragraph (2) 28,000
(3) H.I.R.W. lights,
RW 18-36 100,000
Less federal 80,000
Less local 10,000
Net appropriation paragraph (3) 10,000
Net appropriation paragraph B 100,000

11 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 294, requiring businesses to post their refund policy. Refer to Committee on Commerce and Consumer Affairs for Interim Study.

Although the testimony showed no evidence of widespread abuse necessitating a posting policy, there was enough doubt regarding definitions and other section of the bill that the Committee felt it should go to Commerce and Consumer Affairs Committee for interim study. The

vote was unanimous. Rep. J. Leo Appel, Jr. for Commerce and Consumer Affairs.

Referred to the Committee on Commerce and Consumer Affairs for Interim Study.

HB 296, permitting laetrile to be manufactured in New Hampshire. MAJORITY: Inexpedient to Legislate. MINORITY (George H. Baker, Sr.): Ought to Pass.

MAJORITY: The United States Food and Drug Administration has ruled: "Laetrile is not exempt from premarket approval requirements for new drugs and is not generally recognized by qualified experts as a safe and effective cancer drug." New Hampshire currently relies on federal standards and analysis for the purity and potency of drugs sold in New Hampshire. HB 296 has no standards for consumer protection so if passed, New Hampshire would have to establish standards, analysis, and an enforcement division to ensure purity and potency. Recent cases of persons taking an overdose of laetrile pills and dying of cyanide poisoning have been documented. Laetrile is sold in pill and liquid injectable form. The open sale, without prescription or standards, of what can no longer be considered a harmless drug was of great concern to the majority of the Committee.

New Hampshire citizens now have the right to use laetrile with a physician's release under a 1977 statute. Rep. Elizabeth L. Crory for majority of Commerce and Consumer Affairs. MINORITY: The minority feels that final determination of the use of Laetrile should be by the victim of terminal cancer and not by the Medical Association with which it is in direct conflict. We should not be the judge and jury to a dying person. Rep. George H. Baker, Sr. for the minority of Commerce and Consumer Affairs.

Rep. Joseph Cote moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Quimby and Gelinas spoke against the motion.

Reps. Will and Baker spoke in favor of the motion.

A quorum count was requested.

The Speaker declared a quorum present.

Reps. Sallada, Allgeyer and Wilson spoke against the motion.

Rep. Daniell spoke in favor of the motion.

Rep. Crory spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 76 NAYS 254

YEAS 76

BELKNAP: Lawton and Morin.

CARROLL: Heath, Howard, Keller and Towle.

CHESHIRE: Crane, Kohl, Nims and Jean White.

COOS: Elmer Beaulac, Brungot, Oleson, Theriault and Alcide Valliere.

CRAFTON: Ira Allen, Buckman, Clark, Foster and Walter.

HILLSBOROUGH: Archambault, Baker, Corey, Joseph Cote, Donovan, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Healy, Karnis, Armand Lemire, Madigan, McLaughlin, Milton Meyers, Plomaritis, Proulx, Reidy, Paul Riley, Edward Smith, Sweeney, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Bellerose, Daniell, Epstein, Hill, LaBranche, Locke, Mitchell, Plourde, Ralph, Stio, Stockman and Trachy.

ROCKINGHAM: Blake, Dunfey, Ellyson, Kashulines, LoFranco, Nelson, Parolise, Peterson, Splaine and Warburton.

STRAFFORD: Ronald Chagon, Donnelly, Charles Grassie, Joos, Maglaras, Nadeau and Dennis Ramsey.

SULLIVAN: Brodeur, Domini, Sim Gray and Lucas.

NAYS 254

BELKNAP: Beard, Birch, Garv Dionne, French, Hildreth, Nishfield, Nighswander, Randall and Sabbow.

CARROLL: Roderick Allen, Chase, Desjardins, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Bayhutt, Callahan, Jesse Davis, Daniel Eaton, Ernst, Galloway, Ladd, Lynch, Matson, Miller, Moore, O'Connor, Proctor, Margaret Ramsay, William Riley, Russell, Scranton and Vrakatitsis.

COOS: Burns, Chappell, Fortier, Guay, Bradley Haynes, Horton, Hunt, Mayhew, Willey, Wiswell and York.

CRAFTON: Aldrich, George Cate, Christy, Copenhaver, Crory, Michael King, LaMott, Logan, Low, Lownes, Mann, McAvoy, McIver, Seely, Snell, Taffe, Thomson, Ward and Andrew Ware.

HILLSBOROUGH: Ainley, Arris, Wilfrid Boisvert, Bosse, Brack, Burkush, Carswell, Compagna, Corser, Craig, Catherine-Ann Dav, L. Penny Dion, Drewniak, Beverly Dupont, Joseph Eaton, Peter Flynn, Gelinas, Girolimon, Sal Grasso, Guidi, Hall, Hardy, Head, Heald, Hendrick, Thomas Hynes, Jamrog, Kaklamanos, Lamy, Lefebvre, Levesque, Lyons, Marcoux, Mazur, Morgan, Morrison, Mulligan, Murray, Nardi, Naro, Odell, Pappas, Pastor, Perkins, Peters, Podles, Polak, David Ramsay, Peter Ramsey, Record, Roy, Sallada, Silva, Leonard Smith, Soucy, Spirou, Stahl, Steiner, Stylianos, Rock Tremblay, Vachon, Van Loan, Wallace, Wallin, Eliot Ware, Weaver, Welch, Robert Wheeler, M. Arnold Wight and Zajdel.

MERRIMACK: Allgeyer, Ayles, Bibbo, Blakeney, Rodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Clements, Colby, Holliday, James Humphrey, Kidder, McLane,

Nichols, O'Neill, Packard, Paire, Randlett, Doris Rilev, William Roberts, Selway, Gerald Smith, Stokes, Rick Trombly, Underwood, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Bisbee, William Boucher, Butler, Marilyn Campbell, Carpenito, Collins, Connors, Patricia Cote, Roy Davis, Robert Day, Felch, Flanagan, Joseph Flynn, Beverly Gage, Gibbons, Gould, Griffin, Hartford, Jackson, Kane, Keenan, Roger King, Kozacka, Krasker, Landry, Laycock, Leslie, Lovejoy, Joseph MacDonald, McEachern, Norman Myers, Newell, Newman, Pantelakos, Parr, Pevear, Pucci, Quimby, Reese, Rogers, Schmidtchen, Schwaner, Skinner, Freda Smith, Stickney, Stimmell, Sytek, Tavitian, Tufts, Vartanian, Vlack, Helen Wilson, Wojnowski, Wolfesen and Woodman.

STRAFFORD: Burchell, Canney, DeNafio, Farnham, Gauvin, Gosselin, Hebert, Dianne Herchek, Lessard, Meader, Morrisette, Pine, Prav, Preston, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Valley, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Edmund Belak, David Campbell, Cutting, D'Amante, LeBrun, Palmer, Spanos, Spaulding, Townsend, Tucker, Wiggins and Williamson, and the motion lost.

Rep. Carl Gage notified the Clerk that he inadvertently voted nay and meant to vote yea.

Question being on the adoption of the committee report.

Resolution adopted.

HB 560, relative to voluntary participation in issuing public utility stock in return for construction work in progress charges. Inexpedient to Legislate.

HB 560 would require the Public Utilities Commission to allow CWIP charges only on a voluntary basis by customers who would be issued stock in return. The Committee felt the complexity of the process and the instability of income to a company made this bill inexpedient to legislate. The Committee commends the sponsors for their initiative in trying to work out a solution to the problem of utility financing. Vote was 16-0. Reps. Elizabeth L. Crory and John B. Morgan for Commerce and Consumer Affairs.

Rep. Quimby moved that HB 560 be made a Special Order for Wednesday, April 11. Adopted.

HB 504, relative to the development of a non-mandatory program of comprehensive health education. Ought to Pass. This bill creates an 11-member council to supervise the preparation of an appropriate non-mandatory curricula on health for use in the public schools. This will provide the local schools with professional material to instruct their students with no cost to the State. Vote was 13-3. Rep. Arthur Tufts for Education.

Ordered to third reading.

HB 383, relative to strip development along highways. Ought to Pass with Amendment.

Amendment clarifies wording and answers some of the questions raised in the hearing. Vote was 15-0. Rep. Myrtle B. Rogers for Environment and Agriculture.

Amendment

Amend RSA 31-B:3 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

31-B:3 Limitation on Dense Settlement Areas. No more than 50 percent of the land area of any municipality may be placed within these designated dense settlement areas; except that any municipality where the densely settled area exceeds 41 percent of the land area on the effective date of this chapter shall have as its allowable maximum the percentage existing on that date, plus 10 percent. For purposes of this chapter, "densely settled areas" means those in which 50 percent of the allowable lots have buildings placed upon them, or have received subdivision approval under RSA 36:23 on the effective date of this section.

Amend RSA 31-B:5 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

31-B:5 Restrictions on Land Outside Designated Areas. When the densely settled areas have been thus designated by the municipality, the following restrictions shall apply to land outside these areas which is contiguous to any state class I, II or III highway:

I. On each side of the highway, except any limited access highway, there shall be no more than one intersecting street, or commercial, industrial or residential access or driveway per plot of land, as existing on the effective date of this section, with a frontage of 2,000 feet or less; nor more than one such additional access or driveway per additional 2,000 feet of frontage to a plot with a frontage of more than 2,000 feet. No plot of land from which a right of access has been acquired for the construction or improvement of a limited access highway shall regain such right by the provisions of this paragraph.

II. No new permanent structures including billboards, but excluding public utility facilities, may be placed on either side of the road in a reserve or greenbelt extending a minimum distance of 100 feet from the outside edge of the shoulder of the highway or within the right of way of the highway, whichever is greater. This reserve or greenbelt may be utilized for other purposes such as garden, lawn, yard, playground, tillage, pasture, silviculture, horticulture, artificial pond, private or commercial recreation and similar uses; except that parking or outdoor warehousing or storage or displays for or by commercial establishments shall not be permitted.

III. Existing structures lying within the 100 foot reserve or greenbelt area specified in paragraph II may be enlarged or added to provided such enlargement or addition is attached to the sides or rear of the structure as it faces the road and does not project toward the roadway beyond the

existing line of the structure.

IV. In order to create visual or sound barriers for mutual protection of highway users and residents, within the 100 foot reserve or greenbelt area specified in paragraph II the state or municipality shall have the right to plant at its expense trees, shrubs or grasses to improve the sightliness of the highway edge, and to construct berms or other barriers, provided the landowner gives permission. Owners of such greenbelt areas may obtain free of charge from the state nursery, as available, trees or shrubs for planting on this land only.

V. Any affected lot existing on the effective date of this chapter which is of such dimension that the 100 foot setback comprises more than 60 percent of its total acreage shall be deemed to qualify automatically under the RSA 31:72, III hardship provision, but no other provision, for a variance by the board of adjustment.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Not Allowed by Construction Permit.

Amend RSA 249:17, IV by inserting after subparagraph (b) the following new subparagraph:

(c) Outside the densely settled area of a municipality as designated in accordance with RSA 31-B:2, 31-B:3 and 31-B:5, more than one driveway, entrance, exit or approach from any one highway to any one commercial, industrial or residential parcel of land unless the frontage along that highway exceeds 2,000 feet, in which case an additional access shall be permitted for each additional 2,000 feet of frontage.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Wiggins moved that HR 383 be Indefinitely Postponed and spoke to his motion.

Reps. Corser and Head spoke against the motion.

Rep. Wood spoke in favor of the motion.

Rep. Leonard Smith spoke against the motion and yielded to questions.

On a voice vote, the Speaker was in doubt and requested a division.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 100 NAYS 176

YEAS 100

BELKNAP: Lawton.

CARROLL: Chase, Heath, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Crane, Ernst, Kohl, Moore, O'Connor and Vrakatitsis.

COOS: Fortier, Guay, Horton, Alcide Valliere, Wiswell and York.

GRAFTON: Ira Allen, Buckman, Christy, Dearborn, Foster, McAvoy, Snell, Thomson and Andrew Ware.

HILLSBOROUGH: Baker, Boyer, Brack, Joseph Cote, Craig, Beverly Dupont, Joseph Eaton, Sal Grasso, Karnis, Lefebvre, Levesque, Madigan, Marcoux, Mazur, Milton Meyers, Morgan, Odell, Perkins, Polak, Paul Riley, Roy, Sweeney, Vachon, Eliot Ware, Kenneth Wheeler and Robert Wheeler.

MERRIMACK: Ayles, Bellerose, Bibbo, Milton Cate, Daniell, Hill, Holliday, Locke, Mitchell, Nichols, Paire, Plourde, Doris Riley, William Roberts, Shepard, Gerald Smith and Stockman.

ROCKINGHAM: Bisbee, Blake, William Boucher, Collins, Connors, Patricia Cote, Robert Day, Ellyson, Felch, Joseph Flynn, Roger King, Peterson, Pucci, Schmidtchen, Splaine, Sytek, Tufts, Wolfsen and Woodman.

STRAFFORD: Canney, Ronald Chagnon and Joos.

SULLIVAN: Brodeur, D'Amante, Domini, LeBrun, Lucas and Wiggins.

NAYS 176

BELKNAP: Beard, Birch, Morin, Nighswander and Randall.

CARROLL: Roderick Allen and Desjardins.

CHESHIRE: Baybutt, Jesse Davis, Calloway, Ladd, Lynch, Matson, Miller, Nims, Proctor and William Riley.

COOS: Elmer Beaulac, Brungot, Chappell, Bradley Haynes, Hunt, Mayhew and Theriault.

GRAFTON: George Cate, Chambers, Corrv, Michael King, Logan, Low, Lowmes, McIver, Taffe, Walter and Ward.

HILLSBOROUGH: Ainley, Archambault, Arris, Bosse, Carswell, Compagna, Corey, Corsey, Catherine-Ann Day, L. Penny Dion, Donovan, Drewniak, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Girolimon, Granger, Hall, Hardy, Head, Heald, Healy, Hendrick, Thomas Hynes, Jamrog, Kaklamanos, Armand Lemire, McLaughlin, Mulligan, Murray, Naro, Pappas, Pastor, Peters, Plomaritis, Podles, Proulx, Peter Ramsey, Reidy, Sallada, Silva, Edward Smith, Leonard Smith, Spirou, Stahl, Steiner, Stylianos, Van Loan, Wallace, Wallin, Weaver, Welch, Emma Wheeler, James J. White, M. Arnold Wight and Zajdel.

MERRIMACK: Allgeyer, Blakenev, Rodi, Carroll, John Cate, Clements, Epstein, Ralph, Randlett, Selway, Stio, Stokes, Rick Trombly, Ernest Valliere and Waters.

ROCKINGHAM: Appel, Blanchette, Butler, Marilyn Campbell, Carpenito, Roy Davis, Dunfey, Flanagan, Beverly Gage, Carl Gage, Gibbons, Griffin, Hartford, Hoar, Jackson, Keenan, Kozacka, Landry, Laycock, Leslie, LoFranco, Lovejoy, McEachern, Norman Myers, Nelson, Newell, Newman, Pantelakos, Parr, Pevear, Quimby, Reese, Rogers, Schwaner, Skinner, Freda Smith, Stickney, Stimmell, Vlack, Warburton, Helen Wilson and Wojnowski.

STRAFFORD: Burchell, DeNafio, Donnelly, Gauvin, Gosselin, Charles Grassie, Dianne

Herchek, James Herchek, Maglaras, Meader, Pine, Preston, Dennis Ramsey, Robinson, Schreiber, Donald Smith, Tripp, Valley, Vaughan and Whitehead.

SULLIVAN: Edmund Belak, David Campbell, Cutting, Sim Gray, Spanos, Spaulding, Townsend and Williamson, and the motion lost.

Rep. Ernst notified the Clerk that he inadvertently voted yea and meant to vote nay.

Ordered to third reading.

469, establishing a statewide elderly discount card program. Inexpedient to Legislate.

The Committee feels that the present statewide I.D. Card Program for the elderly and handicapped now being implemented by the Department of Safety under RSA 259:21 does the same thing as this bill would have.

The State Council on Aging is presently under budget and in no way able to take on any such program, but the Committee hopes that the State Council on Aging will advocate throughout the senior network both promotion of voluntary discounts by merchants and use of the New Hampshire I.D. Card. This card is designed to provide the same convenience for check-cashing and senior discounts which New Hampshire licenses now afford those who drive. Vote was 10-3. Rep. Sara M. Townsend for Executive Departments and Administration.

Rep. Townsend moved that HB 469 be recommitted to the Committee on Executive Departments and Administration, and spoke to her motion.

Rep. Kohl spoke in favor of the motion. Recommitted to the Committee on Executive Departments and Administration.

HB 570, relative to the composition of the personnel commission. Ought to Pass. This bill would give the Personnel Commission an unbiased appointment of one of the Commissioners by the Supreme Court and remove any political implications. Vote was 14-1. Rep. Robert W. Dearborn for Executive Departments and Administration.

Ordered to third reading.

HB 2009, requiring all marine biology work for the fish and game department to be handled by the University of New Hampshire. Refer to Committee on Fish and Game for Interim Study.

This bill requires long study at both the University of New Hampshire and the seacoast, therefore study by the whole Committee is needed. Vote was 17-0. Rep. John W. Stimmell for Fish and Game.

Referred to the Committee on Fish and Game for Interim Study.

HB 112, authorizing the fish and game commission to set the deer season. Ought to Pass with Amendment.

The Committee felt due to trouble with the deer herd (especially in the north country) that the Executive Director and the Department should have a chance to set the deer season. This bill becomes effective upon passage and also terminates in 1980. Vote was 17-0. Rep. John H. Stimmell for Fish and Game.

Amendment

Amend RSA 208:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

208:2 Taking; Time. Wild deer, outside game preserves, may be hunted and taken from 1/2 hour before sunrise to 1/2 hour after sunset during the dates as established by the executive director, provided that no deer shall be hunted or taken at any time on any island or in any waters in lakes and ponds; and white deer shall not be hunted or taken at any time. The executive director shall advertise throughout the state in newspapers of general circulation the respective dates of the deer season as it is set in any year by June first. Notwithstanding any other provisions of this section, resident licensed hunters shall be permitted to hunt deer for a period of 3 consecutive days following the deer hunting season as set by the executive director. The authority of the director as specified in this section shall terminate on December 31, 1980.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Powers and Duties of Executive Director. Amend RSA 206:10, II (supp) as amended by striking out said paragraph and inserting in place thereof the following:

II. Such power and authority shall not extend to the regulation of the seasons for the taking of game, birds or other wild life or the bag limit of the same, except as provided in RSA 208:2, RSA 210:73. All rules promulgated by the director shall be promulgated in accordance with RSA 541:A.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 459, to create a state district court system with full time judges, clerks and other personnel as a state supported court and making an appropriation therefor. Refer to Committee on Judiciary for Interim Study.

This bill and those following are part of a comprehensive package developed by this Committee. Everyone agrees that our District Courts system has problems and need help - they also agree that this bill is not the solution, but could serve as a vehicle for much needed reform next session. Vote was 14-2. Rep. Leigh D. Rosse for Judiciary.

Referred to the Committee on Judiciary for Interim Study.

HB 133, establishing a Pittsfield judicial district and a Pittsfield district court. Ought to Pass.

The Committee feels that a Pittsfield District Court should be established including the towns of Epsom and Chichester due to geographical location and the potential case load increase. The Suncook Valley area is in need of a District Court rather than continue to overload the present Concord District Court. Vote was 12-?. Rep. Kenard F. Avles for Judiciary.

Ordered to third reading.

HB 182, establishing the Seabrook district court. Inexpedient to Legislate. The Committee felt that Seabrook did not demonstrate any great need for establishing a new district court. The Committee heard many district court bills and considered case load, population, distance to present court and court facilities in deciding to turn this down. It was also testified by the Judicial Branch that this would also be contrary to the long range goals of the Judicial Branch in New Hampshire. Vote was 17-0. Rep. Thomas J. Pappas for Judiciary.

Resolution adopted.

Rep. Felch notified the Clerk that he wished to be recorded in favor of HB 182.

HB 95, establishing the Bristol district court. Inexpedient to Legislate.

The Committee had four bills to consider, each establishing a district court. The merits of each bill were weighed as to the need of another district court in the area. The Committee is concerned with excessive proliferation of district courts and believed that a Bristol Court would contribute to this unnecessary proliferation. Vote was 14-1. Rep. David B. Campbell for Judiciary.

Resolution adopted.

HB 323, establishing the Meredith district court and the Canaan district court. Inexpedient to Legislate.

A new separate court is not needed since the present statute requires that regular sessions be held in Meredith. Vote was 11-5. Rep. Anthony A. McManus for Judiciary.

Rep. French moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, spoke to his motion and withdrew his motion.

Rep. Rosse spoke to the committee report. Resolution adopted.

HB 360, relative to a public utility's liability when it endangers a town's or city's water supply source. Inexpedient to Legislate.

The Legislature can do nothing to solve the short term problem. The long term problem is better addressed by HB 498 which deserves your support. Vote was 9-5. Rep. Leigh D. Rosse for Judiciary.

Resolution adopted.

SUSPENSION OF RULES

Rep. French moved that the rules be so far suspended as to permit consideration of HB 382, amending the workmen's compensation law and making an appropriation therefor; HB 391, relative to the recodification of the unemployment compensation laws and making an appropriation therefor; HB 492, providing for an occupational safety and health act for public employees; and HB 505, establishing a state equal employment opportunity office, at the present time, the Committee on Labor, Human Resources and Rehabilitation having reported after the deadline.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS (cont.)

HB 382, amending the workmen's compensation law and making an appropriation therefor. Ought to Pass with Amendment.

The Subcommittee on "Workmen's Compensation" has worked most diligently on this bill and the bill has been amended to include only the most necessary items to improve RSA 281. Vote was 16-2. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Compensation for Death; Disabled Widows or Widowers. Amend the introductory paragraph of RSA 281:22 as amended by inserting in line 5 after the phrase "400 weeks" the following (except for weekly payments to dependent widows or widowers who (a) are determined by the labor commissioner to be totally disabled and unable to engage in any gainful employment, in the same way total disability is determined for purposes of compensation under this chapter, and (b) are not receiving total disability benefits under this chapter for injury to themselves,) so that said paragraph as amended shall read as follows:

If death results from the injury, weekly compensation shall be paid to the dependents of the deceased employee as defined in RSA 281:2, IX, in an amount provided by the compensation schedule in RSA 281:23. Weekly payments made under this section shall not exceed 400 weeks except for weekly payments to dependent widows or widowers who (a) are determined by the labor commissioner to be totally disabled and unable to engage in any gainful employment, in the same way total disability is determined for purposes of compensation under this chapter, and (b) are not receiving total disability benefits under this chapter for injury to themselves, in which case weekly payment shall continue during such total disability. Weekly payments made under RSA 281:23, 25 or 26 shall be deducted from the foregoing maximums. It is provided, however, that a widow or widower having dependent children shall receive compensation as set forth by the weekly compensation schedule of RSA 281:23 until all dependent children have

reached termination of compensation as set forth by paragraph VI of this section.

2 Scheduled Permanent Impairment Awards; Death of Recipient. Amend RSA 281:26, I as amended by striking out the introductory part thereof and inserting in place thereof the following:

I. Except when death results from injury, in addition to other benefits payable under this chapter, an award shall be paid to employees in amounts provided by RSA 281:23, for the number of weeks set forth hereunder, for permanent bodily loss or losses:

3 Scheduled Permanent Impairment Awards; Death of Recipient; Technical Change. Amend RSA 281:26, II as amended by striking out said paragraph and inserting in place thereof the following:

II. Except when death results from injury, the scheduled awards under this section accrue to the injured employee simply by virtue of the loss or loss of the use of a member of the body, there being conferred upon the employee a right which is separate and independent of the rights provided by RSA 281:23 and 25.

4 Balance of Unpaid Award; Death of Recipient. Amend RSA 281:26, V as amended by striking out said paragraph and inserting in place thereof the following:

V. The balance of unpaid weekly scheduled award shall, upon the death of the employee, be void.

5 Permitting Lump Sum Payments. Amend RSA 281:33 as amended by striking out said section and inserting in place thereof the following:

281:33 Lump Sum Payments. Lump sum agreements may be permitted at the discretion of the labor commissioner or his designated representative when the best interest of all concerned will be served thereby, provided, however, in no instance shall the medical provisions of this chapter be lump summed.

6 Attorney's Fees. Amend RSA 281:37-a as inserted by 1969, 187:1 by striking out said section and inserting in place thereof the following:

281:37-a Award of Fees and Interest.

I. In any dispute over the amount of benefits payable under this chapter which is appealed to the superior or supreme courts, the employee, if he prevails, shall be entitled to reasonable counsel fees as approved by the court, and interest at the rate of 6 percent per annum on that portion of any award the payment of which is contested; provided that the interest shall be computed from 30 days after award by the commissioner.

II. No attorney representing a claimant shall contract for, charge or collect fees for legal services rendered to the claimant at the department level unless the fees have been approved by the labor commissioner. In determining the amount of allowable fees, the labor commissioner shall consider, among other things, the nature, length and complexity of the services performed, the usual and customary charge for work of the like kind and the benefits resulting to the claimant as a result of the legal services performed. The labor commissioner may prescribe a scale of fees by rule adopted pursuant to RSA 541-A.

7 Administration Expenses. Amend RSA 281 by inserting after section 51 the following new section:

281:51-a Administration Fund.

I. There is hereby established in the state treasury an administration fund for the sole purpose of paying all costs of administering this chapter. The fund shall be administered by the labor commissioner. The state treasurer shall be the custodian of the fund and all moneys and securities in the fund shall be held in trust by the state treasurer and shall not constitute money or property of the state.

II. The state treasurer is authorized to disburse moneys from the fund upon written order of both the labor commissioner and comptroller in accordance with a budget approved by the general court. He shall be required to give bond in an amount to be fixed and with securities approved by the labor commissioner conditioned upon the faithful performance of his duty as custodian of the fund.

III. Each carrier and self-insurer, including the state, shall make payments to the fund of its pro rata share of one fiscal year's costs to be appropriated out of the fund. The pro rata share shall be computed on the basis which the total workmen's compensation benefits, including medical benefits, paid by each carrier and self-insurer bore to the total workmen's compensation benefits, including medical benefits, paid by all carriers and self-insurers in the fiscal year ending in the preceding calendar year; provided, however, the pro rata share of self-insurers shall be based on twice their paid workmen's compensation benefits, including medical benefits and no carrier or self-insurer shall pay an assessment of less than \$100. The commissioner shall assess each carrier and self-insurer applicable to 1978 paid workmen's compensation benefits, including medical benefits, as soon as possible after the enactment of this section and each year thereafter no later than July 1. Total assessments shall not exceed \$250,000 in any fiscal year. The balance in the fund at the beginning of the new fiscal year shall proportionately reduce the assessments under this section. The labor commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, relative to the manner in which such payments are to be made.

IV. In addition to the provisions of Paragraph III, the civil penalties collected under RSA 281:10, 36-b and 46 shall be deposited to the credit of the administration fund established by this section.

V. The labor commissioner shall be charged with the conservation of the assets of the fund. In furtherance of this purpose, the attorney general shall appoint a member of his staff to represent the fund in all proceedings brought to enforce payment of assessments as provided in paragraph III.

VI. Payments made to the fund by carriers shall constitute a credit against payments due under RSA 400-A:37.

8 Report of Labor Commissioner; When. Amend RSA 281:53 as amended by striking out said section and inserting in place thereof the following:

281:53 Report of Labor Commissioner. Said labor commissioner shall, by October 1 of each odd year, make a report to the governor showing the work done during the preceding 2 fiscal years and shall include therein a properly classified statement of department expenses, statistical information relating to the number and character of industrial accidents during such 2 years and such other information and recommendations as seem pertinent. Such report shall be printed as part of the biennial report of the labor commissioner.

9 Personal Injury; Definition. Amend RSA 281:2, V as amended by striking out said paragraph and inserting in place thereof the following:

V. Personal injury, or injury as used in and covered by this chapter means accidental injury or death arising out of and in the course of employment and all occupational diseases arising out of and in the course of employment, or death resulting therefrom, including disability due to radioactive properties or substances or exposure to ionizing radiation. For the purposes of this chapter occupational disease is defined as an injury arising out of and in the course of the employee's employment and due to causes and conditions characteristic of, and peculiar to, the particular trade, occupation or employment. For the purpose of determining the date of injury for an occupational disease, the date of injury shall be taken to be the last date of injurious exposure to the hazards of such disease or the date on which the employee first knew or reasonably should have known of the condition and its relationship to his employment, whichever is the later. It shall not include other diseases or death therefrom unless they are the direct result of an accidental injury arising out of or in the course of employment, nor shall it include a disease which existed at commencement of the employment, nor a disease the last injurious exposure to the hazards which occurred prior to August 31, 1947. The total amount of benefit in case of death shall not exceed the balance remaining between the amounts paid for disability and the total compensation payable under this chapter.

10 Responsibility of Last Employer. Amend RSA 281:38-a as inserted by 1965, 300:11 by striking out said section and inserting in place thereof the following:

281:38-a Payment Pending Determination of Coverage; Establishing Liability for Benefits.

I. Whether an employee's right to compensation and/or other benefits under this act is not in dispute, either as to eligibility or amount, but a dispute arises between successive employers or their insurers, or between successive insurance carriers for the same employer, regarding liability for benefits, the commissioner, following notice to all interested parties and hearing, shall enter an order setting forth the liability of an employer or insurance carrier for the payment of compensation and/or other benefits in the first instance, and said employer or carrier shall immediately start payments pending final determination. The commissioner may

make such orders for the deposit of security as he feels may be necessary. When the issue of liability is finally determined, orders shall be entered, either by the labor commissioner or by the court where the issue is finally resolved, making such financial adjustments as may be appropriate in order to effectuate the decision.

II. Except as provided in RSA 281:47-a, where compensation is payable for an occupational disease, the employer in whose employment the employee was last injuriously exposed to the hazards of such disease, and the insurance carrier, if any, on the risk at the time such employee was last so exposed under such employer, shall alone be liable therefor, without right to contribution from any prior employer or insurance carrier.

III. Except as provide in RSA 281:47-a, where compensation is payable for an injury other than an occupational disease, which aggravates a pre-existing physical condition, the employer in whose employment the employee sustained the most recent injurious incident and the insurance carrier, if any, on the risk when such injurious incident occurred, shall alone be liable for benefits allowable under this chapter, without right to contributions from any prior employer or insurance carrier.

11 New Section. Amend RSA 281 by inserting after section 54 the following new section:

281:55 Advisory Council. There is hereby established an advisory council on workmen's compensation. The advisory council shall consist of 7 members: the commissioner of the department of labor; the insurance commissioner; one member of the house of representatives appointed by the speaker of the house; one member of the senate appointed by the president of the senate; and 3 persons appointed by the governor and council, one representing the interests of management, one representing the interests of labor, and one who is an employee of an insurance company that provides workmen's compensation coverage. The legislative members of the advisory council and the 3 members appointed by the governor and council shall be familiar with the workmen's compensation laws of New Hampshire. The advisory council shall discuss problems related to the administration of this chapter and shall discuss policy goals. The term of office of each member appointed by the governor and council shall be 3 years and until his successor is appointed and qualified; provided, however, that the first appointments of these 3 members shall be as follows: one for one year, one for 2 years and one for 3 years. As these appointments expire, all appointments shall be for 3 years. Vacancies shall be filled for the same manner and for the unexpired terms. The term of every other member of the advisory council shall be concurrent with his term of office. Each member of the advisory council shall be paid a fee of \$40 per day, for each day of actual attendance at called meetings of the advisory council, and shall also be reimbursed for necessary travel and other necessary expenses.

12 Appropriation. There is hereby

appropriated to the workmen's compensation division, department of labor, the sum of \$58,579 for the fiscal year ending June 30, 1980 and the sum of \$59,840 for the fiscal year ending June 30, 1981. Said sums shall be expended as follows:

	Fiscal Year 1980
Permanent personal services	\$ 40,403
Other personal services	1,100
Current Expense	770
Equipment	1,820
Travel	
In State	1,025
Out of State	330
Fringe Benefits	6,531
Medical Consultant Services	3,300
Other Expenditures	3,300
(Computer Services)	
Total	\$ 58,579

	Fiscal Year 1981
Permanent personal services	\$ 42,789
Other personal services	1,100
Current Expense	880
Equipment	-0-
Travel	
In State	1,805
Out of State	330
Fringe Benefits	6,836
Medical Consultant Services	3,300
Other Expenditures	3,300
(Computer Services)	
Total	\$ 59,840

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

13 Effective Date. This act shall take effect July 1, 1979.

Rep. Warburton spoke to the amendment.
Amendment adopted.

Rep. Skinner offered an amendment.

Amendment

Amend section 11 of the bill by striking out same and inserting in place thereof the following:

11 New Section. Amend RSA 281 by inserting after section 54 the following new section:

281:55 Advisory Council. There is hereby established an advisory council on workmen's compensation. The advisory council shall consist of 7 members: the commissioner of the department of labor; the insurance commissioner; one member of the house of representatives appointed by the speaker of the house; one member of the senate appointed by the president of the senate; and 3 persons appointed by the governor and council, one representing the interests of management, one representing the interests of labor, and one who is an employee of an insurance company that provides workmen's compensation coverage. The legislative members of the advisory council and the 3 members appointed by the governor and council shall be familiar with the workmen's compensation laws of New Hampshire. The advisory council shall

discuss problems related to the administration of this chapter and shall discuss policy goals. The term of office of each member appointed by the governor and council shall be 3 years and until his successor is appointed and qualified; provided, however, that the first appointments of these 3 members shall be as follows: one for 1 year, one for 2 years and one for 3 years. As these appointments expire, all appointments shall be for 3 years. Vacancies shall be filled for the same manner and for the unexpired terms. The term of every other member of the advisory council shall be concurrent with his term of office. Each member of the advisory council shall be reimbursed for necessary travel and other necessary expenses.

The Assistant Clerk read the amendment Rep. Skinner spoke to her amendment. Amendment adopted.

Rep. Skinner offered a further amendment.

Amendment

Amend RSA 281:51-a, III as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

III. Each carrier and self-insurer, including the state, shall make payments to the fund of its pro rata share of one fiscal year's costs to be appropriated out of the fund. The pro rata share shall be computed on the basis which the total workmen's compensation benefits, including medical benefits, paid by each carrier and self-insurer bore to the total workmen's compensation benefits, including medical benefits, paid by all carriers and self-insurers in the fiscal year ending in the preceding calendar year; provided, however, that no carrier or self-insurer shall pay an assessment of less than \$100. The commissioner shall assess each carrier and self-insurer applicable to 1978 paid workmen's compensation benefits, including medical benefits, as soon as possible after the enactment of this section and each year thereafter no later than July 1. Total assessments shall not exceed \$250,000 in any fiscal year. The balance in the fund at the beginning of the new fiscal year shall proportionately reduce the assessments under this section. The labor commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, relative to the manner in which such payments are to be made.

The Assistant Clerk read the amendment. Rep. Skinner spoke to her amendment. Amendment adopted. Rep. Warburton spoke to the committee report. Referred to Appropriations.

HR 391, relative to the recodification of the unemployment compensation laws and making an appropriation therefor. Ought to Pass with Amendment.

Our Employment Security Law is an accumulation of 40 years of amendments. It needs to be rewritten to improve

readability. The Committee removed the appropriation, assuming that Legislative Services could schedule the work with its permanent staff. The five-person Oversight Committee was amended to bring better balance. Committee support of amended bill was 17-1. Rep. Joanne C. Head for Labor, Human Resources and Rehabilitation.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the recodification of the unemployment compensation laws.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Committee Established. A 5-member oversight committee is hereby established to study and recodify the unemployment compensation laws of the state of New Hampshire. Said committee shall consist of 2 members appointed by the unemployment compensation advisory council, one representing the interests of employers and one representing the interests of employees; 2 members of the general court, one appointed by the speaker of the house and one appointed by the president of the senate; and 1 person appointed by the governor and council. The commissioner of the department of employment security may serve in an advisory capacity to the oversight committee. This committee may contract with any individual or institution to prepare the study and recodification within the limitation of the funds appropriated for this purpose. The committee shall have the study completed and the proposed recodification in bill form by November, 1980, for legislative action by the 1981 session of the general court. The members of the oversight committee shall be entitled to legislative mileage in connection with their duties on the committee.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Referred to Appropriations.

HB 492, providing for an occupational safety and health act for public employees. Ought to Pass with Amendment.

Committee needs further time to study the total impact of an occupational safety and health act for public employees. Realizing that certain existing regulations regarding equipment and other areas of safety in the public sector have not been enforced, the Committee entered into an immediate study of safety hazards in public employment and intends to report this bill out later on in this session without appropriation. The amendment removes the appropriation. Vote was 10-9. Rep. Rep. Joanne C. Head for Labor, Human Resources and Rehabilitation.

Amendment

Amend the bill by striking out section 2 and renumber section 3 to read as 2.

Amendment adopted.

Rep. Reidy moved that HR 492 be recommitted to the Committee on Labor, Human Resources and Rehabilitation.

Recommitted to the Committee on Labor, Human Resources and Rehabilitation.

HB 505, establishing a state equal employment opportunity office. Ought to Pass with Amendment.

Vote was 10-9 to pass this measure establishing an office of equal employment opportunity. It would assure equal employment opportunities in State employment for men, women, minorities and handicapped individuals. It also includes an advisory committee of seven members. The amendment would change the review term of the law to 1984 to determine the continuance of the agency. It was felt that 10 years was too long for this provision and the Committee voted for a five-year duration. Rep. Ernest J. Valliere for Labor, Human Resources and Rehabilitation.

Amendment

Amend RSA 354-B:9 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

354-B:9 Review. Notwithstanding any other provisions of law relating to review or termination of agencies, at the beginning of the 1985 legislative session, the speaker of the house of representatives shall appoint a committee of 5, 3 from the majority party, 2 from the minority party. Said committee shall review the state equal employment opportunity office to determine whether it should continue in operation. Said committee shall be empowered to submit legislation based on its findings.

Amendment adopted.

Referred to Appropriations.

Rep. Ward requested a quorum count. The Speaker declared a quorum present.

HB 171, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 20 years. MAJORITY: Ought to Pass with Amendment. MINORITY (Reps. Lawton, Bouchard, D'Amante, Armand R. Lemire, George E. Lemire, Sweeney and Alcide E. Valliere): Inexpedient to Legislate.

MAJORITY: The Committee felt that this is a good bill after weeks of hard work. Vote was 12-8 on ought to pass with amendment. It also found sufficient evidence that the 18 and 19 year olds were causing a great many accidents on the highways. The arrests and convictions for D.W.I. have risen. The Committee also felt that with the states of Massachusetts and Maine with age 20 drinking laws we would have a lot of

border hopping and trouble along the seacoast. Rep. James A. Humphrey for the Majority of Regulated Revenues.

MINORITY: There is insufficient evidence for raising the drinking age. In fact, statistical evidence suggests that alcohol related deaths for the age group of 18-20 have declined by 27 per cent in the past three years. In addition, the consumption of distilled spirits per capita decreased in the first year of the younger drinking age.

The evidence suggests there will be no change in consumption if this legislation is passed. The problem of concealed drinking and driving will grow drastically.

The Committee broke its initial tie vote (10-10) in order to allow some proposed amendments to appear on the calendar. In principle, however, it is the feeling of the minority that the Committee is still deadlocked. Reps. Robert M. Lawton, Arthur A. Bouchard, Carmine F. D'Amante, Armand R. Lemire, George E. Lemire, James A. Sweeney and Alcide E. Valliere for the Minority of Regulated Revenues.

Amendment

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Employment. Amend RSA 175:8 as amended by striking out said section and inserting in place thereof the following:

175:8 Employment of Youths. No licensee or permittee hereunder shall employ any minor, with or without compensation, to serve or otherwise handle liquor or beverage, provided, however, that the holder of an off-sale permit issued under the provisions of RSA 181:5 or retail wine license issued under the provisions of RSA 178-A:2 may employ minors of not less than 16 years of age when beverage or wine is sold in the original container and delivered in the place of business of the seller, or at the vehicle of the buyer parked on or adjacent to the premises of the seller, and provided further that an adult person shall be in attendance during the time of such employment. The provisions of this section shall not in any way prevent any on-sale licensee or permittee under the provisions of RSA 178 and RSA 181 from employing any person 18 years of age or older to serve or otherwise handle liquor or beverages.

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Entertainers. Amend RSA 175:8-d (supp) as inserted by 1971, 225:1 as amended by striking out said section and inserting in place thereof the following:

175:8-d Entertainers.

I. No person licensed to sell liquor under RSA 178 or beverage under RSA 181 may employ as an entertainer any person who is under 17 years of age on the premises where liquor or beverage is sold.

II. A person under 17 years of age who is a child of a licensee or permittee specified in paragraph I may serve without compensation as an entertainer in the dining room licensed under the provisions of RSA 178:3 or 3-a, for which the license or permit is issued.

Amend the bill by striking out section 13 and inserting in place thereof the following:

13 Possession in Motor Vehicles. Amend RSA 262:40-a as inserted by 1959, 216:1 as amended by striking out said section and inserting in place thereof the following:

262:40-a Transporting or Drinking Alcoholic Beverages. Except as provided for in RSA 175:8, any person under the age of 20 years operating a motor vehicle upon the public highway, except when accompanied by parent or legal guardian, and having liquor or beverage in any form in container, open or unopened, in any part of the vehicle, may have his license suspended or his right to operate denied for 3 months by the director of the division of motor vehicles. The words "liquor" and "beverages" as used in this section shall have the same meaning as defined in RSA 175:1.

Amend the bill by striking out all after section 14 and inserting in place thereof the following:

15 Application for Retail Wine License.

Amend RSA 178-A:10 (supp) as inserted by 1978, 3:1 by striking out in line 12 the number "18" and inserting in place thereof the following (20) so that said section as amended shall read as follows:

178-A:10 Application for License. Any person applying for a license under this chapter shall file with the commission an application therefor in such form as the commission may prescribe. Such application shall contain such information as the commission may require, and, shall contain a statement setting forth the name and address of the true and actual owner of the premises upon which the business to be licensed is to be conducted. Before a license is issued the commission shall satisfy itself that the applicant is financially responsible and generally fit for the trust to be in him reposed, that the applicant, if an individual, or, if a partnership each of the members of the partnership, or, if a corporation, each of its principal officers and directors, is of good moral character, and not less than 20 years of age; the applicant intends to carry on the business authorized by the license for himself and not as the agent of another and that he intends to superintend in person the management of the business licensed, or intends to have some other person approved by the commission manage the business for him; that the proposed location of the business is an appropriate one, taking into consideration its surroundings and the number of similar licenses already issued in the neighborhood where the applicant's business is to be conducted. A separate application shall be filed with respect to each place of business. Each application shall be verified by the affidavit of the applicant if an individual, or by all the members of a partnership or by the proper officer of a corporation.

16 Effective Date. This act shall take effect upon its passage.

Amend the bill by striking out section 7 and renumbering sections 8 - 15 to read as 7 , 8 , 9 , 10 , 11 , 12 , 13 , 14 and 15 respectively.

Amendment adopted.

Rep. Lawton moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Reps. Bosse, Joseph Cote, Jean White, James Humphrey, Parolise, Chase and Ward spoke against the motion.

Reps. Spiro, Tucker, Coutermarsh, Walter, Wiggins, Carl Gage and Chambers spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 130 NAVS 213

YEAS 130

BELKNAP: Gary Dionne, Hildreth, Lawton and Sabhow.

CARROLL: Roderick Allen and Heath.

CHESHIRE: Crane, Daniel Eaton, Galloway, Miller, Nims, William Riley and Scranton.

COOS: Elmer Beaulac, Bouchard, Bradley Haynes, Hunt, George Lemire, Theriault, Alcide Valliere and York.

GRAFTON: Aldrich, Chambers, Copenhaver, Grorv, Dearhorn, Michael King, LaMott, Logan, Walter and Andrew Ware.

HILLSBOROUGH: Archambault, Arris, Baker, Rober, Burkush, Compagna, Corey, Corser, Coutermarsh, Donovan, Beverly Dupont, Peter Flynn, Girolimon, Sal Grasso, Guidi, Hardy, Hendrick, Thomas Hynes, Lefebvre, Armand Lemire, Levesque, Madigan, McLaughlin, Milton Mevers, Morgan, Mulligan, Murrav, Naro, Pappas, Pastor, Perkins, Proulx, Peter Ramsev, Reidy, Edward Smith, Leonard Smith, Spiro, Sweeney, Rock Tremblay, Wallace, Wallin, Robert Wheeler and James J. White.

MERRIMACK: Blakenev, Bodi, Carroll, Milton Cate, Colby, Epstein, Holliday, McLane, Mitchell, O'Neill, Plourde, William Roberts, Selway, Gerald Smith, Stokes, Trachy and Rick Tremblay.

ROCKINGHAM: Collins, Dunfey, Carl Gage, Gibbons, Griffin, Hartford, Krasker, Landry, Leslie, LoFranco, McEachern, Newman, Pantelakos, Peterson, Quimby, Scamman, Stimmell, Vartanian and Wojnowski.

STRAFFORD: Charles Grassie, Hebert, Dianne Herche, James Herche, Lessard, Maglaras, Morrisette, Pine, Robinson, Sackett, Schreiber and Allen Wilson.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, D'Amante, Lucas, Spanos, Tucker and Wiggins.

NAVS 213

BELKNAP: Beard, Birch, French, Mansfield, Morin, Nighswander and Randall.

CARROLL: Chase, Desjardins, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Jesse Davis, Ernst, Kohl, Ladd, Lynch, Matson, Moore, O'Connor, Proctor, Margaret Ramsav, Russell, Vrakatitsis and Jean White.

An Act

to raise the age requirement for purchases of containerized liquor and beverages to 19.

COOS: Brungot, Burns, Chappell, Fortier, Guav, Horton, Mavhew, Oleson, Willey and Wiswell.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

GRAFTON: Ira Allen, Ruckman, George Cate, Christv, Clark, Foster, Low, Lowmes, Mann, McAvov, McIver, Seelv, Snell, Taffe, Thomson and Ward.

1 Prohibited Sales. Amend RSA 175:6 as amended by inserting in line 3 after the word "minor," the following (or in the case of closed containers a person under 19 years of age,) so that said section as amended shall read as follows:

HILLSBOROUGH: Ainley, Wilfrid Boisvert, Bosse, Brack, Carswell, Joseph Cote, Craig, Catherine-Ann Dav, L. Pennv Dion, Drevniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Hall, Head, Heald, Healy, Jamrog, Kaklamanos, Karnis, Lamv, Roland Lemire, Lvons, Mazur, Morrison, Nardi, Odell, Aime Paradis, Peters, Plomaritis, Podles, Polak, David Ramsav, Record, Paul Riley, Rov, Sallada, Silva, Soucy, Stahl, Steiner, Stvlianos, Francis Sullivan, Vachon, Van Loan, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight and Zajdel.

175:6 Prohibited Sales. No licensee, sales agent, nor any other person, shall sell or give away or cause or permit or procure to be sold, delivered or given away any liquor or heverage to a minor, or in the case of closed containers a person under 19 years of age, to an habitual drunkard, to an insane person, to a person under the influence of liquor, or to any other person to whom any court, selectman of a town, chief of police, overseer of public welfare or the commission shall prohibit sale. In no case shall any section of this title be so construed as to permit sale of liquor or beverages in any so-called saloon or speak-easy.

MERRIMACK: Avles, Bellerose, Ribbo, John Cate, Clements, Daniell, James Humphrey, Kidder, LaBranche, Locke, Nichols, Packard, Paire, Ralph, Randlett, Doris Rilev, Shepard, Stio, Stockman, Underwood, Ernest Valliere, Waters and Wiviott.

2 Sales to Underage Purchases. Amend RSA 175:6-a as inserted by 1959, 116:1 as amended by striking out said section and inserting in place thereof the following:

ROCKINGHAM: Aeschliman, Appel, Benton, Bisbee, Blake, Blanchette, William Boucher, Butler, Marilyn Campbell, Carpenito, Connors, Patricia Cote, Rov Davis, Robert Day, Ellvsen, Felch, Flanagan, Joseph Flynn, Beverly Gage, Gould, Hoar, Jackson, Kane, Kashulines, Keenan, Roger King, Kozacka, Lavcock, Loveiov, Joseph MacDonald, Norman Myers, Nelson, Newell, Parolise, Parr, Pevear, Pucci, Reese, Rogers, Schmidtchen, Schwaner, Skinner, Freda Smith, Splaine, Stickney, Sytek, Tavitian, Tufts, Vlack, Warburton, Helen Wilson, Wolfson and Woodman.

175:6-a Sales to Underage Purchasers. The establishment of all the following facts by a person making a sale of liquor or heverage to a minor or, in the case of closed containers, a person under 19 years of age, shall constitute prima-facie evidence of innocence and a defense to any prosecution therefor: (a) that the underage purchaser falsely represented in writing and supported by some official document that he or she was 18 years of age or over, or in the case of closed containers 19 years of age or older; (b) that the appearance of the underage purchaser was such that an ordinary and prudent person would believe him or her to be 18 years of age or over, or in the case of closed containers 19 years of age or older; and (c) that the sale was made in good faith relying upon such written representation and appearance in the reasonable belief that the underage purchaser was actually 18 years of age or over, or in the case of closed containers 19 years of age or older.

STRAFFORD: Burchell, Cannev, Ronald Chagnon, DeNafio, Donnelly, Farnham, Gauvin, Gosselin, Joos, Meader, Nadeau, Prav, Preston, Dennis Ramsev, Donald Smith, Tripp, Valley, Vaughan and Whitehead.

SULLIVAN: Cutting, Domini, Sim Gray, LeBrun, Palmer, Spaulding, Townsend and Williamson, and the motion lost.

3 Statement. Amend RSA 175:6-b as inserted by 1965, 286:2 as amended by inserting in line 9 after the word "years," the following (19 years if I am purchasing a closed container,) so that said section as amended shall read as follows:

Rep. Scamman moved that debate be limited to 10 minutes equally divided on all amendments.

On a voice vote, the Speaker was in doubt and requested a division.

252 having voted in the affirmative and 84 in the negative, the motion was adopted.

175:6-b Statement From Purchaser as to Age. For the purposes of RSA 175:6-a, any person making the sale of alcoholic beverages to any person whose age is in question, shall require the purchaser to fill out and sign a statement in the following form each time such person makes a purchase:

.....19....

Rep. Dennis Ramsev offered an amendment:

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

I,.....hereby
 represent to
 that I am over the age of 18, 19 years if I
 am purchasing a closed container, having
 been born on
 19....., at.....
 This statement is made to induce

 to sell or otherwise furnish alcoholic
 beverages to the undersigned.

I understand that I am subject to a fine
 in accordance with the laws of the State of
 New Hampshire for wilfully misrepresenting
 my age for the purposes set forth in this
 statement.

.....
 (Name)

.....
 (Address)

4 Person Misrepresenting Age. Amend RSA
 175:7 as amended by striking out said
 section and inserting in place thereof the
 following:

175:7 To Person Misrepresenting Age. A
 person who falsely represents his age for
 the purpose of procuring liquor or beverages
 and who procures such liquor or beverages
 shall be guilty of a misdemeanor.

5 Employment. Amend RSA 175:8 as
 amended by striking out said section and
 inserting in place thereof the following:

175:8 Employment of Youths. No licensee
 or permittee hereunder shall employ any
 person under the age of 19 years, with or
 without compensation, to serve or otherwise
 handle liquor or beverage, provided,
 however, that the holder of an off-sale
 permit or retail wine license issued under
 the provisions of RSA 178-A may employ
 persons of not less than 16 years of age
 when beverage or wine is sold in the
 original container and delivered in the
 place of business of the seller, or at the
 vehicle of the buyer parked on or adjacent
 to the premises of the seller, and provided
 further that a person 19 years of age or
 over shall be in attendance as a supervisor
 during the time of such employment.

6 Unlawful Possession. Amend RSA
 175:8-a as inserted by 1959, 157:1 as
 amended by striking out said section and
 inserting in place thereof the following:

175:8-a Unlawful Possession. Any minor
 who has in his possession any liquor or
 alcoholic beverage shall be guilty of a
 violation. Any person under 19 years of age
 who has in his possession any liquor or
 alcoholic beverages in any form in
 containers, open or unopened, shall be
 guilty of a violation. Any person under 19
 years of age convicted of unlawful
 possession of liquor or alcoholic beverages
 shall forfeit the same, and it shall be
 disposed of as the court directs. The
 proceeds, if any, shall be paid into the
 treasury of the county wherein the
 proceedings were determined.

7 Application for License. Amend RSA
 178:10 as amended by inserting in line 13
 after the word "age" the following (19 years
 of age in the case of licenses issued
 pursuant to RSA 178:2-a and RSA 178:9) so
 that said section as amended shall read as
 follows:

178:10 Application for License. Any
 person applying for a license under this
 chapter shall file with the commission an
 application therefor in such form as the
 commission may prescribe. Such application
 shall contain such information as the
 commission may require, and, except in the
 case of an application for a dining-car
 license, shall contain a statement setting
 forth the name and address of the true and
 actual owner of the premises upon which the
 business to be licensed is to be conducted.
 Before a license is issued the commission
 shall satisfy itself that the applicant is
 financially responsible and generally fit
 for the trust to be in him reposed; that the
 applicant other than an applicant for
 dining-car license, if an individual, or, if
 a partnership each of the members of the
 partnership, or, if a corporation each of
 its principal officers and directors, is of
 good moral character, a citizen of the
 United States and not less than 18 years of
 age, 19 years of age in the case of licenses
 issued pursuant to RSA 178:2-a and RSA
 178:9; that the applicant intends to carry
 on the business authorized by the license
 for himself and not as the agent of another
 and that he intends to superintend in person
 the management of the business licensed, or
 intends to have some other person approved
 by the commission manage the business for
 him; that the proposed location of the
 business is an appropriate one, taking into
 consideration its surroundings and the
 number of similar licenses already issued in
 the neighborhood where the applicant's
 business is to be conducted. A separate
 application shall be filed with respect to
 each place of business. Each application
 shall be verified by the affidavit of the
 applicant if an individual, or by all the
 members of a partnership or by the proper
 officer of a corporation.

8 Application for Retail Wine License.
 Amend RSA 178-A:10 (supp) as inserted by
 1978, 3:1 by striking out in line 12 the
 number "18" and inserting in place thereof
 the following (19) so that said section as
 amended shall read as follows:

178-A:10 Application for License. Any
 person applying for a license under this
 chapter shall file with the
 commission an application therefor in such
 form as the commission may prescribe. Such
 application shall contain such information
 as the commission may require, and, shall
 contain a statement setting forth the name
 and address of the true and actual owner of
 the premises upon which the business to be
 licensed is to be conducted. Before a
 license is issued the commission shall
 satisfy itself that the applicant is
 financially responsible and generally fit
 for the trust to be in him reposed, that the
 applicant, if an individual, or, if a
 partnership each of the members of the
 partnership, or, if a corporation, each of
 its principal officers and directors, is of
 good moral character, and not less than 19
 years of age; the applicant intends to carry
 on the business authorized by the license
 for himself and not as the agent of another
 and that he intends to superintend in person
 the management of the business licensed, or
 intends to have some other person approved

by the commission manage the business for him; that the proposed location of the business is an appropriate one, taking into consideration its surroundings and the number of similar licenses already issued in the neighborhood where the applicant's business is to be conducted. A separate application shall be filed with respect to each place of business. Each application shall be verified by the affidavit of the applicant if an individual, or by all the members of a partnership or by the proper officer of a corporation.

9 Applications For Permits. Amend RSA 181:15 as amended by inserting in line 12 after the word "age," the following (not less than 19 years of age in the case of off-sale permits) so that said section as amended shall read as follows:

181:15 Applications. Any person desiring a permit under this chapter shall file with the commissioners an application therefor in such form as the commissioners may prescribe. Such application, except in the case of an application for a dining-car permit, vehicle permit, vessel permit, transportation permit or solicitor's permit, shall contain a statement setting forth the name and address of the owner of the premises upon which the business is to be conducted. Before a permit is issued the commissioners shall be satisfied that the applicant is financially responsible and generally fit for the trust to be in him reposed; that the applicant if an individual, or, if a partnership each of the members of the partnership, or if a corporation each of its principal officers and directors, is of good moral character, is a citizen of the United States not less than 18 years of age, not less than 19 years of age in the case of off-sale permits, and has never been convicted of a felony; except in the case of an application for a solicitor's permit, that the applicant intends to carry on the business authorized by the permit for himself and not as the agent of another, and that he intends to superintend in person the management of the business permitted, or intends to have some other person, approved by the commissioners, manage the business for him; that in the case of an applicant for an on-sale or an off-sale permit no manufacturer or wholesaler of beverages other than the applicant has a substantial financial interest, direct or indirect, in the business or in the premises, and that such business will not be conducted with any money, equipment, furniture, fixtures, or property rented from or loaned or given by any manufacturer or wholesaler; and except in the case of an application for a solicitor's permit, that the proposed location of the business is an appropriate one, taking into consideration its surroundings and the number of similar permits already issued in the neighborhood where the applicant's business is to be conducted. A separate application shall be filed and a separate permit shall be issued with respect to each place of business. Every application shall be verified by the affidavit of the applicant, if an individual; if a partnership, by the affidavit of each partner; if a corporation, by the affidavit

of the proper officer of the corporation.

10 Identification Card. Amend RSA 181:35 (supp) as inserted by 1965, 286:1 as amended by striking out said section and inserting in place thereof the following:

181:35 Identification Cards. Any person who attains the age of 19 years, or anyone whose age would be questioned as to being under the age of 19 years, who desires to purchase alcoholic beverages may apply to the town or city clerk where he resides, or is temporarily located, on a form to be provided by the liquor commission, for an identification card. Any person who attains the age of 18 years, or anyone whose age would be questioned as to being under the age of 18 years, who desires to purchase alcoholic beverages to be consumed on the premises where they are sold, may apply to the town or city clerk where he resides, or is temporarily located, on a form to be provided by the liquor commission, for an identification card. An application for either identification card shall be accompanied by a photograph of the applicant and his birth certificate or other satisfactory evidence that he or she is 18 or 19 years of age, as the case may be. An application shall include: (a) the applicant's name; (b) his address; (c) whether address is permanent or temporary; (d) date of his nineteenth birthday; (e) the type of identification card applied for; and (f) such other pertinent information as the commission deems necessary. A fee of \$2 shall be paid the town or city clerk when either application is filed and such clerk shall remit to the commission at least every 6 months 50 percent of such fees and shall retain the other 50 percent to defray his expenses in connection therewith. Such town or city clerk shall forward such application of either kind to the commission which shall file it and send an identification card in such form as the commission prescribes to the applicant who may thereafter exhibit this card when purchasing alcoholic beverages. Any person who misrepresents his age or who practices any other deceit in the procurement of the identification card, uses or exhibits it for the purpose of procuring alcoholic beverages for a person under the age of 18 or 19 years, as the case may be, or uses the identification card belonging to any other person, shall be guilty of a misdemeanor, and shall have his card revoked for a period of time deemed necessary by the commission. Any law enforcement officer who finds an identification card in the possession of a person to whom it was not issued shall confiscate the same and return it to the liquor commission.

11 Possession in Motor Vehicles. Amend RSA 262:40-a as inserted by 1959, 216:1 as amended by striking out said section and inserting in place thereof the following:

262:40-a Transporting or Drinking Alcoholic Beverages.

I. Except as provided for in RSA 175:8, any person under the age of 19 years operating a motor vehicle upon the public highway, except when accompanied by parent or legal guardian, and having liquor or beverage in any form in containers, open or unopened, in any part of the vehicle, may have his license suspended or his right to

operate denied for 3 months by the director of the division of motor vehicles. The words "liquor" and "beverages" as used in this section shall have the same meaning as defined in RSA 175:1.

11. Any person under the age of 19 years operating, or attempting to operate a motor vehicle upon the public highway who has consumed intoxicating liquor or beverage in any form or amount so that the amount of alcohol in said person's blood as defined in RSA 262-A:63 at said time was .05 percent or more shall have his license suspended or his right to operate denied for 3 months by the director of the division of motor vehicles.

12 Cider. Amend RSA 175:13-a as inserted by 1955, 179:1 by striking out said section and inserting in place thereof the following:

175:13-a Sale of Cider to Persons under 19. Notwithstanding any other provisions of this chapter, it shall be unlawful for any person to sell or cause or permit or procure to be sold to any person less than 19 years of age, cider containing more than one percent of alcohol by volume at 60 degrees Fahrenheit, provided that the provisions of this section shall not apply to sales of cider made within 15 days of its manufacture.

13 Existing Permittees and Licensees. Notwithstanding the other provisions of this act, any adult under the age of 19 years who on the effective date of this act has a license or permit issued under RSA 178, RSA 178-A, or RSA 181 shall be entitled to retain such license or permit according to the terms thereof and shall be eligible to renew such license or permit as though such adult were over 19 years of age or older.

14 Exception. All persons 18 years of age or older but not 19 before January 1, 1980 shall lose no rights or privileges in regard to purchase or consumption or both of alcoholic beverages and shall be considered to be 19 and shall be entitled to be treated in all cases as if they were at least 19 years of age.

15 Effective Date. This act shall take effect January 1, 1980.

Rep. Spirou moved to dispense with the reading of all floor amendments.

Adopted.

Rep. Dennis Ramsey explained the amendment.

Reps. Woodman and Morrisette spoke against the amendment.

Reps. Van Loan and Beard spoke in favor of the amendment.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 139 NAYS 168

YEAS 139

BELKNAP: Beard, Garv Dionne, French, Wildreth, Lawton and Nighswander.

CARROLL: Roderick Allen, Desjardins, Heath, Howard and Kenneth Smith.

CHESHIRE: Callahan, Crane, Daniel Eaton, Lynch, Miller, Nims and William Riley.

COOS: Bouchard, Bradley Haynes, Horton, Alcide Valliere.

GRAFTON: Aldrich, Chambers, Copenhagen, Dearhorn, Logan, Mann, Taffe, Walter and Andrew Ware.

HILLSBOROUGH: Archambault, Arris, Bover, Brack, Burkush, Compagna, Corser, Coutermarsh, Crotty, Catherine-Ann Day, L. Pennv Dion, Donovan, Beverly Dupont, Peter Flynn, Girolimon, Hardy, Head, Hendrick, Thomas Hynes, Kaklamanos, Lefebvre, Armand Lemire, Lyons, Madigan, McLaughlin, Milton Mevers, Morgan, Mulligan, Pappas, Pastor, Perkins, Peters, Reidy, Sallada, Edward Smith, Leonard Smith, Spirou, Stahl, Stylianos, Sweeney, Rock Tremblay, Vachon, Van Loan, Wallace, Wallin and Robert Wheeler.

MERRIMACK: Blakenev, Bodi, Carroll, Milton Gate, Colby, Epstein, Holliday, McLane, Mitchell, O'Neill, Packard, Plourde, William Roberts, Selway, Gerald Smith and Rick Trombly.

ROCKINGHAM: Aeschliman, Appel, Blanchette, Butler, Collins, Dunfev, Flanagan, Carl Gage, Gibbons, Hartford, Roger King, Krasker, Landry, Leslie, LoFranco, Newman, Pantelakos, Peterson, Quimby, Reese, Scamman, Vartanian, Helen Wilson, Woinowski and Wolfen.

STRAFFORD: Burchell, Farnham, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Lessard, Maglaras, Meader, Morrisette, Nadeau, Dennis Ramsey, Robinson, Sackett and Vaughan.

SULLIVAN: Edmund Belak, David Campbell, D'Amante, Lucas, Spanos and Williamson.

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BELKNAP: Birch and Randall.

CARROLL: Chase, Keller and Towle.

CHESHIRE: Bayhutt, Jesse Davis, Ernst, Galloway, Ladd, Matson, Moore, O'Connor, Proctor, Margaret Ramsay, Russell, Scranton, Vrakatitsis and Jean White.

COOS: Elmer Beaulac, Brungot, Burns, Chappell, Fortier, Guay, Hunt, George Lemire, Mavhew, Oleson, Theriault, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Gate, Christv, Clark, Foster, LaMott, Low, Lowmes, McAvoy, McIver, Seely, Snell, Thomson and Ward.

HILLSBOROUGH: Wilfrid Boisvert, Rosse, Carswell, Corey, Joseph Cote, Craig, Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancv Gagnon, Grauger, Guidi, Hall, Heald, Healy, Jamrog, Karnis, Lamv, Roland Lemire, Levesque, Marcoux, Mazur, Morrison, Murray, Naro, Odell, Plomaritis, Podles, Polak, Record, Paul Riley, Roy, Silva, Soucy, Francis Sullivan, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight and Zajdel.

MERRIMACK: Ayles, Ribbo, John Gate, Clements, Daniell, James Humphrey, Kidder, Kohl, LaBranche, Locke, Ralph, Randlett,

Doris Rilev, Shepard, Stio, Stockman, Stokes, Underwood, Ernest Valliere and Waters.

ROCKINGHAM: Benton, Bisbee, Marilyn Campbell, Carpenito, Patricia Cote, Roy Davis, Ellvson, Felch, Joseph Flynn, Beverly Gage, Gould, Hoar, Jackson, Kane, Kashulines, Keenan, Kozacka, Lavcock, Lovejoy, Joseph MacDonald, Norman Myers, Nelson, Newell, Parolise, Parr, Pevear, Pucci, Rogers, Schmidtchen, Schwaner, Skinner, Freda Smith, Solaine, Stickney, Stimmell, Sytek, Tavitian, Tufts, Vlack, Warburton and Woodman.

STRAFFORD: Cannev, Ronald Chagnon, DeNafio, Gauvin, Gosselin, Joos, Prav, Preston, Schreier, Donald Smith, Tripp, Vallev and Whitehead .

SULLIVAN: Cutting, Domini, Sim Grav, LeBrun and Townsend, and the amendment lost.

Rep. David Campbell offered an amendment:

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

An Act

to raise the age requirement for purchases of containerized liquor and beverages.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Prohibited Sales. Amend RSA 175:6 as amended by inserting in line 3 after the word "minor," the following (or in the case of closed containers a person under 20 years of age,) so that said section as amended shall read as follows:

175:6 Prohibited Sales. No licensee, sales agent, nor any other person, shall sell or give away or cause or permit or procure to be sold, delivered or given away any liquor or beverage to a minor, or in the case of closed containers a person under 20 years of age, to an habitual drunkard, to an insane person, to a person under the influence of liquor, or to any other person to whom any court, selectman of a town, chief of police, overseer of public welfare or the commission shall prohibit sale. In no case shall any section of this title be so construed as to permit sale of liquor or beverages in any so-called saloon or speak-easy.

2 Sales to Underage Purchasers. Amend RSA 175:6-a as inserted by 1959, 116:1 as amended by striking out said section and inserting in place thereof the following:

175:6-a Sales to Underage Purchasers. The establishment of all the following facts by a person making a sale of liquor or beverage to a minor or, in the case of closed containers, a person under 20 years of age, shall constitute prima-facie evidence of innocence and a defense to any prosecution therefor: (a) that the underage purchaser falsely represented in writing and

supported by some official document that he or she was 18 years of age or over, over in the case of closed containers 20 years of age or older; (b) that the appearance of the underage purchaser was such that an ordinary and prudent person would believe him or her to be 18 years of age or over, or in the case of closed containers 20 years of age or older; and (c) that the sale was made in good faith relying upon such written representation and appearance in the reasonable belief that the underage purchaser was actually 18 years of age or over, or in the case of closed containers 20 years of age or older.

3 Statement. Amend RSA 175:6-h as inserted by 1965, 286:2 as amended by inserting in line 9 after the word "years," the following (20 years if I am purchasing a closed container,) so that said section as amended shall read as follows:

175:6-h Statement From Purchaser as to Age. For the purposes of RSA 175:6-a, any person making the sale of alcoholic beverages to any person whose age is in question, shall require the purchaser to fill out and sign a statement in the following form each time such person makes a purchase:

.....19.....

I,..... do hereby represent to that I am over the age of 18, 20 years if I am purchasing a closed container, having been born on19....., at..... This statement is made to induce to sell or otherwise furnish alcoholic beverages to the undersigned.

I understand that I am subject to a fine in accordance with the laws of the State of New Hampshire for wilfully misrepresenting my age for the purposes set forth in this statement.

.....
(Name)

.....
(Address)

4 Person Misrepresenting Age. Amend RSA 175:7 as amended by striking out said section and inserting in place thereof the following:

175:7 To Person Misrepresenting Age. A person who falsely represents his age for the purpose of procuring liquor or beverages and who procures such liquor or beverages shall be guilty of a misdemeanor.

5 Unlawful Possession. Amend RSA 175:8-a as inserted by 1959, 157:1 as amended by striking out said section and inserting in place thereof the following:

175:8-a Unlawful Possession. Any minor who has in his possession any liquor or alcoholic beverage shall be guilty of a violation. Any person under 20 years of age who has in his possession any liquor or alcoholic beverages in any form in containers, open or unopened, shall be guilty of a violation. Any person under 20 years of age convicted of unlawful possession of liquor or alcoholic beverages shall forfeit the same, and it shall be

disposed of as the court directs. The proceeds, if any, shall be paid into the treasury of the county wherein the proceedings were determined.

6 Application for License. Amend RSA 178:10 as amended by inserting in line 13 after the word "age" the following (20 years of age in the case of licenses issued pursuant to RSA 178:2-a and RSA 178:9) so that said section as amended shall read as follows:

178:10 Application for License. Any person applying for a license under this chapter shall file with the commission an application therefor in such form as the commission may prescribe. Such application shall contain such information as the commission may require, and, except in the case of an application for a dining-car license, shall contain a statement setting forth the name and address of the true and actual owner of the premises upon which the business to be licensed is to be conducted. Before a license is issued the commission shall satisfy itself that the applicant is financially responsible and generally fit for the trust to be in him reposed; that the applicant other than an applicant for dining-car license, if an individual, or, if a partnership each of the members of the partnership, or, if a corporation each of its principal officers and directors, is of good moral character, a citizen of the United States and not less than 18 years of age, 20 years of age in the case of licenses issued pursuant to RSA 178:2-a and RSA 178:9; that the applicant intends to carry on the business authorized by the license for himself and not as the agent of another and that he intends to superintend in person the management of the business licensed, or intends to have some other person approved by the commission manage the business for him; that the proposed location of the business is an appropriate one, taking into consideration its surroundings and the number of similar licenses already issued in the neighborhood where the applicant's business is to be conducted. A separate application shall be filed with respect to each place of business. Each application shall be verified by the affidavit of the applicant if an individual, or by all the members of a partnership or by the proper officer of a corporation.

7 Application for Retail Wine License. Amend RSA 178-A:10 (supp) as inserted by 1978, 3:1 by striking out in line 17 the number "18" and inserting in place thereof the following (20) so that said section as amended shall read as follows:

178-A:10 Application for License. Any person applying for a license chapter shall file with the commission an application therefor in such form as the commission may prescribe. Such application shall contain such information as the commission may require, and, shall contain a statement setting forth the name and address of the true and actual owner of the premises upon which the business to be licensed is to be conducted. Before a license is issued the commission shall satisfy itself that the applicant is financially responsible and generally fit for the trust to be in him reposed, that the applicant, if an

individual, or, if a partnership each of the members of the partnership, or, if a corporation, each of its principal officers and directors, is of good moral character, and not less than 20 years of age; the applicant intends to carry on the business authorized by the license for himself and not as the agent of another and that he intends to superintend in person the management of the business licensed, or intends to have some other person approved by the commission manage the business for him; that the proposed location of the business is an appropriate one, taking into consideration its surroundings and the number of similar licenses already issued in the neighborhood where the applicant's business is to be conducted. A separate application shall be filed with respect to each place of business. Each application shall be verified by the affidavit of the applicant if an individual, or by all the members of a partnership or by the proper officer of a corporation.

8 Applications For Permits. Amend RSA 181:15 as amended by inserting in line 12 after the word "age," the following (not less than 20 years of age in the case of off-sale permits) so that said section as amended shall read as follows:

181:15 Applications. Any person desiring a permit under this chapter shall file with the commissioners an application therefor in such form as the commissioners may prescribe. Such application, except in the case of an application for a dining-car permit, vehicle permit, vessel permit, transportation permit or solicitor's permit, shall contain a statement setting forth the name and address of the owner of the premises upon which the business is to be conducted. Before a permit is issued the commissioners shall be satisfied that the applicant is financially responsible and generally fit for the trust to be in him reposed; that the applicant if an individual, or, if a partnership each of the members of the partnership, or if a corporation each of its principal officers and directors, is of good moral character, is a citizen of the United States not less than 18 years of age, not less than 20 years of age in the case of off-sale permits, and has never been convicted of a felony; except in the case of an application for a solicitor's permit, that the applicant intends to carry on the business authorized by the permit for himself and not as the agent of another, and that he intends to superintend in person the management of the business permitted, or intends to have some other person, approved by the commissioners, manage the business for him; that in the case of an applicant for an on-sale or an off-sale permit no manufacturer or wholesaler of beverages other than the applicant has a substantial financial interest, direct or indirect, in the business or in the premises, and that such business will not be conducted with any money, equipment, furniture, fixtures, or property rented from or loaned or given by any manufacturer or wholesaler; and except in the case of an application for a solicitor's permit, that the proposed location of the business is an appropriate

one, taking into consideration its surroundings and the number of similar permits already issued in the neighborhood where the applicant's business is to be conducted. A separate application shall be filed and a separate permit shall be issued with respect to each place of business. Every application shall be verified by the affidavit of the applicant, if an individual; if a partnership, by the affidavit of each partner; if a corporation, by the affidavit of the proper officer of the corporation.

9 Identification Card. Amend RSA 181:35 (supp) as inserted by 1965, 286:1 as amended by striking out said section and inserting in place thereof the following:

181:35 Identification Cards. Any person who attains the age of 20 years, or anyone whose age would be questioned as to being under the age of 20 years, who desires to purchase alcoholic beverages may apply to the town or city clerk where he resides, or is temporarily located, on a form to be provided by the liquor commission, for an identification card. Any person who attains the age of 18 years, or anyone whose age would be questioned as to being under the age of 18 years, who desires to purchase alcoholic beverages to be consumed on the premises where they are sold, may apply to the town or city clerk where he resides, or is temporarily located, on a form to be provided by the liquor commission, for an identification card. An application for either identification card shall be accompanied by a photograph of the applicant and his birth certificate or other satisfactory evidence that he or she is 18 or 20 years of age, as the case may be. An application shall include: (a) the applicant's name; (b) his address; (c) whether address is permanent or temporary; (d) date of his nineteenth birthday; (e) the type of identification card applied for; and (f) such other pertinent information as the commission deems necessary. A fee of \$7 shall be paid the town or city clerk when either application is filed and such clerk shall remit to the commission at least every 6 months 50 percent of such fees and shall retain the other 50 percent to defray his expenses in connection therewith. Such town or city clerk shall forward such application of either kind to the commission which shall file it and send an identification card in such form as the commission prescribes to the applicant who may thereafter exhibit this card when purchasing alcoholic beverages. Any person who misrepresents his age or who practices any other deceit in the procurement of the identification card, uses or exhibits it for the purpose of procuring alcoholic beverages for a person under the age of 18 or 20 years, as the case may be, or uses the identification card belonging to any other person, shall be guilty of a misdemeanor, and shall have his card revoked for a period of time deemed necessary by the commission. Any law enforcement officer who finds an identification card in the possession of a person to whom it was not issued shall confiscate the same and return it to the liquor commission.

10 Possession in Motor Vehicles. Amend RSA 262:40-a as inserted by 1959, 216:1 as

amended by striking out said section and inserting in place thereof the following:

262:40-a Transporting or Drinking Alcoholic Beverages.

I. Except as provided for in RSA 175:8, any person under the age of 20 years operating a motor vehicle upon the public highway, except when accompanied by parent or legal guardian, and having liquor or beverage in any form in containers, open or unopened, in any part of the vehicle, may have his license suspended or his right to operate denied for 3 months by the director of the division of motor vehicles. The words "liquor" and "beverages" as used in this section shall have the same meaning as defined in RSA 175:1.

II. Any person under the age of 18 years operating, or attempting to operate a motor vehicle upon the public highway who has consumed intoxicating liquor or beverage in any form or amount so that the amount of alcohol in said person's blood as defined in RSA 262-A:63 at said time was .05 percent or more shall have his license suspended or his right to operate denied for 3 months by the director of the division of motor vehicles.

11 Cider. Amend RSA 175:13-a as inserted by 1955, 179:1 by striking out said section and inserting in place thereof the following:

175:13-a Sale of Cider to Persons under 20. Notwithstanding any other provisions of this chapter, it shall be unlawful for any person to sell or cause or permit or procure to be sold to any person less than 20 years of age, cider containing more than one percent of alcohol by volume at 60 degrees Fahrenheit, provided that the provisions of this section shall not apply to sales of cider made within 15 days of its manufacture.

12 Effective Date. This act shall take effect January 1, 1980.

Rep. David Campbell spoke to the amendment.

Rep. Ward spoke against the amendment.

A division was requested.

97 members having voted in the affirmative and 225 in the negative, the amendment lost.

Rep. Hartford offered an amendment:

Amendment

Amend the bill by striking out section 16 and inserting in place thereof the following:

16 Age of Majority; Exception. Amend RSA 21-B:1 (supp) as inserted by 1973, 72:73 by striking out said section and inserting in place thereof the following:

21-B:1 Age of Majority Changed. The common law rule that a person is a minor to the age of 21 is hereby abrogated. A person who has reached his eighteenth birthday is hereby declared to be of majority for all purposes, except as prohibited by the constitution of New Hampshire and of the United States and except as regards the purchase, possession and consumption of alcoholic beverages for which purpose the

age of majority shall be 20.

17 Definition; Exception. Amend RSA 21:44 (supp) as inserted by 1973, 72:72 by striking out said section and inserting in place there of the following:

21:44 Age of Majority; Adults.

Notwithstanding any provision of law to the contrary, except as provided in RSA 21-B:1, the words "adult", "majority", "age of majority", "full age or lawful age", and all other terms of referring to those persons who are to be considered adults, shall mean those persons who have attained the age of 18 years.

18 Effective Date. This act shall take effect upon its passage.

Rep. Hartford explained her amendment.

Rep. Ward spoke against the amendment and yielded to questions.

Amendment lost.

Question being on the adoption of the majority committee report as amended.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 218 NAYS 115

YEAS 218

BELKNAP: Beard, Birch, Mansfield, Morin, Nighswander, Randall and Sabbow.

CARROLL: Roderick Allen, Chase, Desiardins, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Raybutt, Jesse Davis, Ernst, Johnson, Kohl, Ladd, Lynch, Matson, Moore, O'Connor, Proctor, Margaret Ramsay, Russell, Vrakatis and Jean White.

COOS: Elmer Beaulac, Brungot, Burns, Chappell, Fortier, Guay, Horton, Mayhew, Oleson, Willey and Wiswell.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Christy, Clark, Dearborn, Foster, Low, Lownes, Mann, McAvoy, McIver, Snell, Taffe, Thomson and Ward.

HILLSBOROUGH: Arris, Wilfrid Boisvert, Bosse, Brack, Carswell, Corey, Joseph Cote, Craig, Catherine-Ann Day, L. Penny Dion, Drewiak, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinac, Granger, Guidi, Hall, Head, Heald, Healy, Hendrick, Thomas Hynes, Jamrog, Lamv, Roland Lemire, Lyons, Madigan, Marcoux, Mazur, Morgan, Morrison, Nardi, Naro, Odell, Pappas, Aime Paradis, Peter Parady, Perkins, Peters, Plomaritis, Podles, Polak, David Ramsay, Record, Paul Riley, Sallada, Silva, Soucy, Stahl, Stylianos, Francis Sullivan, Sweeney, Vachon, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight and Zaidel.

MERRIMACK: Ayles, Bellerose, Ribbo, John Cate, Milton Cate, Clements, Daniell, James Humphrey, Kidder, LaBranche, Locke, Packard, Ralph, Randlett, Doris Riley, Shepard, Stockman, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Bisbee, Blake, William Boucher, Butler, Marilyn Campbell, Carmenito, Patricia Cote, Roy Davis, Robert Day, Ellvson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Gould, Hoar, Jackson, Kane, Kashulines, Keenan, Roger King, Kozacka, Landry, Laycock, Lovejoy, Joseph MacDonald, Norman Myers, Nelson, Newell, Parolise, Parr, Pevear, Pucci, Quimby, Reese, Rogers, Schmidtchen, Schwaner, Skinner, Freda Smith, Splaine, Stickney, Stimmell, Sytek, Tavitian, Tufts, Vlack, Warburton, Helen Wilson, Wolfson and Woodman.

STRAFFORD: Burchell, Canney, Ronald Chagnon, DeNafio, Donnelly, Farnham, Gauvin, Gosselin, Joos, Lessard, Meader, Nadeau, Prav, Preston, Robinson, Donald Smith, Tripo and Whitehead.

SULLIVAN: Cutting, Domini, Sim Gray, LeBrun, Palmer, Spaulding, Townsend and Williamson.

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BELKNAP: Gary Dionne, French and Lawton.

CARROLL: Heath and Howard.

CHESHIRE: Callahan, Crane, Daniel Eaton, Galloway, Miller, Nims, Poanessa, William Riley and Scranton.

COOS: Bouchard, Bradley Haynes, Hunt, George Lemire, Theriault, Alcide Valliere and York.

GRAFTON: Chambers, Copenhaver, Corvy, Michael King, LaMott, Walter and Andrew Ware.

HILLSBOROUGH: Archambault, Baker, Bover, Burkush, Compagna, Corser, Coutermarsh, Donovan, Beverly Dupont, Peter Flynn, Girolimon, Sal Grasso, Hardy, Kaklamanos, Karnis, Lefebvre, Armand Lemire, Levesque, McLaughlin, Milton Meyers, Mulligan, Murray, Pastor, Proulx, Reidy, Roy, Edward Smith, Leonard Smith, Spirou, Rock Tremblay, Van Loan, Wallace, Wallin and Robert Wheeler.

MERRIMACK: Blakeney, Bodi, Carroll, Colby, Epstein, Holliday, McLane, Mitchell, O'Neill, Plourde, William Roberts, Selway, Gerald Smith, Stio, Stokes, Trachy and Rick Tromblay.

ROCKINGHAM: Blanchette, Collins, Dunfey, Carl Gage, Gibbons, Griffin, Hartford, Kraker, Leslie, LoFranco, Newman, Pantelakos, Peterson, Scamman, Vartanian and Wojnowski.

STRAFFORD: Charles Grassie, Hebert, Dianne Herche, James Herche, Maglaras, Morrisette, Pine, Dennis Ramsey, Sackett, Schreiber, Vaughan and Allen Wilson.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, D'Amante, Lucas, Spanos, Tucker and Wiggins, and the committee report was adopted.

Ordered to third reading.

SUSPENSION OF RULES

Rep. French moved that the rules be so far suspended as to permit consideration of HB 274, providing an omnibus bill for revisions to the statutes pertaining to transportation, motor vehicles and boating laws as requested by the department of safety, including establishing a medical advisory board within the division of motor vehicles and making an appropriation therefor, at the present time, the Committee on Transportation having reported after the deadline.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS (cont.)

HB 274, providing an omnibus bill for revisions to the statutes pertaining to transportation, motor vehicles and boating laws as requested by the department of safety, including establishing a medical advisory board within the division of motor vehicles and making an appropriation therefor. Ought to Pass with Amendment.

This bill has been studied and amended by the Transportation Committee, and even though most of the bill is a housekeeping bill it would be further explained on the floor of the House. Vote was 13-0. Rep. K. Michael Tavitian for Transportation.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

providing an omnibus bill for revisions to the statutes pertaining to transportation, motor vehicles and boating laws as requested by the department of safety.

Amend the bill by striking out paragraph III and IV as inserted by section 1 of the bill.

Amend sections 2 and 3 of the bill by striking out same and renumbering sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 to read as follows:

2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, respectively.

Amend RSA 262:1, II (p) as inserted by section 3 of the bill by striking out said subparagraph and inserting in place thereof the following:

(p) For each motor vehicle used exclusively as a school bus or owned by a religious organization or a non-profit organization used exclusively as a bus for the transportation of its members in connection with functions of the organization for which no fee is charged - \$24. The provisions of sub-paragraph (p) shall not apply to municipally owned vehicles nor to vehicles of public utilities or common carriers.

Amend RSA 263:69 as inserted by paragraph III of section 5 of the bill by

striking out same and inserting in place thereof the following:

263:69 Penalty for Exceeding Permitted Size and Weight. Any person who shall operate or cause to be operated on the highways of this state a vehicle whose height, size or weight is in excess of that herein prescribed shall be guilty of a violation and notwithstanding the provisions of RSA 625:9, V, shall be fined not more than \$100 for a first offense nor more than \$250 for a subsequent offense within a calendar year.

Amend RSA 265:19, I as inserted by paragraph V of section 8 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Any person who shall use any motor fuel, with respect to which the road toll herein imposed has been paid, in any way other than in motor vehicles for the purpose of generating power for the propulsion thereof upon the public highways, or the state of New Hampshire or its agencies or any city, town, county, farm, school district or villa district which purchases motor fuel from a retail dealer and which uses such motor fuel in its own vehicle, or any dealer who shall make sales specified in RSA 265:4, (a), (b) and (c) shall be entitled to a refund to the extent of the amount of said toll so paid with respect to such motor fuel. For the purposes of this section, a school district shall be deemed to be using motor fuel in its own vehicles if it qualifies as an owner of the vehicle under RSA 259:1, XXI. The right to receive any refund under this section shall not be assignable and any assignment thereof shall be void. Provided, however, members of an organized club for snow traveling vehicles may assign individual rights to a refund under this section to their respective clubs for the expansion and maintenance of club trails. With the exception of refunds made to snow traveling vehicle clubs, no payment of any refund shall be made to any person other than the original person entitled thereto using or selling motor fuel as hereinbefore set forth.

Amend RSA 265:22, IX as inserted by paragraph X of section 8 of the bill by striking out said paragraph and inserting in place thereof the following:

IX. The director may, with approval of the commissioner of safety, enter into a reciprocal agreement with Vermont which grants similar privileges to residents of New Hampshire, enabling diesel vehicles registered in Vermont to operate in this state notwithstanding the provisions of this chapter, provided they abide by such rules and regulations as the director shall promulgate exempting them from or changing their liability for procuring a users license or the reporting and payment of a road toll. Any agreement made pursuant to this paragraph shall expire July 1, 1981.

Amend RSA 265:31 as inserted by paragraph XII of section 8 of the bill by striking out same and inserting in place thereof the following:

265:31 Statutory Lien Powers.

I. Statutory Lien. Where any road toll or other fees or charges imposed under RSA 265 are not paid and due as prescribed by

this chapter, the amount including interest, together with the costs that may accrue in addition thereto, shall become a lien in favor of the state of New Hampshire upon all property and rights to property, whether real or personal, including vehicles belonging to any person upon whom such road toll or fees are imposed, as follows:

(a) Such lien shall arise at the time such road tolls or fees are due pursuant to this chapter and shall continue until the liability for such sum, together with interest and costs, is satisfied or becomes unenforceable.

(b) Such lien shall be valid against any subsequent mortgagee, pledgee, purchaser, or judgment creditor when notice of such lien and the sum due has been filed by the road toll administration as herein provided. In the case of any prior mortgage on real or personal property so written as to secure present debt and also future advances by the mortgagee to the mortgagor, the lien herein provided, when notice thereof has been filed in the proper office, shall be subject to such prior mortgage unless the road toll administration also notifies the mortgagee of the recording of such lien in writing, in which case any indebtedness thereafter created from mortgagor to mortgagee shall be junior to the lien herein provided for.

(c) Notice of said lien shall be provided to the person upon whom such road toll or fees are imposed by certified mail sent to the person's principal place of business. The notice shall advise the person of the right to seek an administrative hearing pursuant to RSA 265:16 relative to the imposition of such road toll or fees within 14 days of the receipt of such notice. Upon expiration of 14 days if no hearing is requested or after a hearing if a hearing is requested, the director shall issue a decision determining the amount of road tolls or fees plus interest and costs due to the state.

II. Notice of Lien. After rendering a decision the director shall file notice of the lien as follows:

(a) In the case of personal property subject to the lien, except vehicles, such notice shall be filed with the clerk of the town or city in which the property is situated;

(b) In the case of real property subject to the lien, notice shall be filed in the registry of deeds for the county wherein such property is situated.

(c) In the case of vehicles subject to the lien, notice shall be filed with the motor vehicle administrator in the state in which the vehicle is registered.

(d) In the case of an out-of-state non-resident person, notice of the lien on personal property and real property, and additional notice of the lien on vehicles shall be filed with the secretary of state.

III. Seizure and Sale. If the amount determined by the director is not paid within 30 days or the decision of the director is not appealed pursuant to RSA 265:21, the director shall have the authority to seize any real or personal property including vehicles subject to the above lien and foreclosure upon the lien as provided in RSA 265:33.

Amend RSA 265:32 as inserted by paragraph XII of section 8 of the bill by striking out same and inserting in place thereof the following:

265:32 Release of Lien. The road toll administrator shall issue and record a certificate of release of the lien if:

I. The director finds that the liability for the amount assessed together with interest and costs, has been satisfied; or

II. There is furnished to the director a bond with surety approved by the director in a penal sum sufficient to equal the sum assessed together with interest and costs, said bond to be conditioned upon the payment of the tolls and fees plus interest and costs determined to be due as herein provided.

Amend RSA 265:37 as inserted by paragraph XII of section 8 of the bill by striking out same and inserting in place thereof the following:

265:33 Foreclosure of Lien. The lien provided for by RSA 265:31 may be foreclosed in the case of real estate agreeable with the provisions of law relating to foreclosure of mortgages on real estate, and in the case of personal property, agreeably with the provisions of law relating to the foreclosure of chattel mortgages.

Amend section 4 of the bill by striking out same and inserting in place thereof the following:

9 Appeals of Directors' Decisions Relative to Road Tolls and Providing a Fee for Services Under Total Salvage Laws:

1. Amend RSA 265:21 as amended by striking out said section and inserting in place thereof the following:

265:21 Any person may appeal the decision of the director relative to the imposition of road tolls, interest, and penalties to the superior court within 30 days from the date the decision is rendered. The superior court's review shall be limited to determination whether the evidence presented to the director was sufficient to support his decision, and whether the director's decision was reasonable and lawful. If the superior court determines that road tolls, interest and/or penalties are due to the state, the director shall have the same powers as if there had been no appeal.

II. Amend RSA 269-A:28, I by inserting after subparagraph (i) the following new subparagraph:

(i) For issuing a distinctive New Hampshire number in place of a manufacturers vehicle identification number, \$10.

Amend section 11 of the bill by striking out said section and inserting in place thereof the following:

11 Navigation; Water Transportation.

1. Amend RSA 270:5, II as amended by striking out said paragraph and inserting in place thereof the following:

II. Operators' Licenses. There shall be paid to said director for every general certificate of captain, master, pilot or engineer, \$4; and for every limited certificate of captain, master, pilot or engineer, \$2. A general certificate shall entitle the holder thereof to act in the capacity named on any boat of the class

described in the certificate; a limited certificate shall entitle him to act in such capacity only on a particular boat named in the certificate. Only one certificate shall be required to entitle the holder thereof to act in any or all of the above capacities on any motor boat permitted to carry a maximum of 25 persons.

II. Amend RSA 270:14 as amended by striking out said section and inserting in place thereof the following:

270:14 Expiration of Licenses, etc. All registration certificates issued hereunder shall expire on December 31 next following the date of issuance. All licenses to operate a commercial boat shall expire the second December 31 following the date of issuance.

III. Amend RSA 270 by inserting after section 14-c the following new section:

270:16-d Operation after Suspension or Revocation. Any person operating or causing to be operated any boat after his privilege or registration to so operate has been suspended or revoked pursuant to the provisions of this chapter, shall be guilty of a violation.

Amend section 12 of the bill by striking out same and inserting in place thereof the following:

12 Effective Date. This act shall take effect as follows:

I. Paragraphs I and II, of section 1, and paragraphs IV, VI, VII and VIII of section 8 shall take effect on July 1, 1979.

II. Paragraphs I and II of section 11 shall take effect on December 31, 1979.

III. Paragraphs I and II of section 2, section 3, paragraphs I and III of section 5, section 7, paragraphs IX and X of section 8, paragraphs I and II of section 9 and paragraph III of section 11 shall take effect upon its passage.

IV. Paragraph III of section 7, section 4, paragraph II of section 5, section 6, paragraphs I, II, III, V, XI and XII of section 8 shall take effect 60 days after its passage.

V. Section 10 shall take effect August 31, 1979.

Amendment adopted.

Referred to Appropriations.

HB 410, relative to the issuance of a certificate of title on mobile homes. Ought to Pass with Amendment.

HB 410 requires a certificate of title for all mobile homes manufactured after June 30, 1979 when a change of ownership occurs and defines mobile homes under RSA 269-A:5 as a motor vehicle. Vote was 10-5. Rep. Kenneth C. Smith, Sr. for Transportation.

Amendment

Amend RSA 269-A:1, XI as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

XI. "Vehicle" means any mechanical device suitable for use on highways, except those propelled or drawn by human power or those used exclusively upon stationary tracks.

Amend Section 2 of the bill by striking out same and inserting in place thereof the following:

2 Certificate of Title. Amend RSA 269-A by inserting after section 5 the following new section:

269-A:5-a When Certificate is Required for Mobile Homes. Except as provided in RSA 269-A:2, the provisions of this chapter shall apply to all mobile homes with a model year of 1979 or later, purchased after June 30, 1979 and to any and all transfers of ownership of such mobile homes after June 30, 1979. For the purposes of this chapter a mobile home shall be considered a motor vehicle. The term mobile home does not include modular homes which are transported on highways prior to being erected on a foundation.

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Ordered to third reading.

HB 419, relative to the registration of a motor vehicle and obtaining a license to operate. Ought to Pass with Amendment.

This bill with amendment defines conditions of residence within the State of New Hampshire and clarifies when a new resident has to apply for a New Hampshire driver's license and New Hampshire registration plates and simplifies enforcement. Vote was 15-1. Rep. Frederick J. Domini for Transportation.

Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 "Resident" Defined. Amend RSA 260:35 by striking out said section and inserting in place thereof the following:

260:35 "Resident" Defined; Exemption Because of Non-Residence. "Resident" means one who makes his domicile within the state. Notwithstanding the foregoing provision, a non-resident who garages and operates a vehicle exclusively in this state may register such vehicle in this state as a non-resident. No exemption from the payment of a permit fee shall be granted by reason of non-resident except by the director, who shall in all cases require proof satisfactory to him of residence elsewhere, and of the liability of a non-resident owner, otherwise entitled to such exemption, to pay a property tax on his motor vehicle for the current year in the state of his residence.

4 Definitions. Amend RSA 259:1 by inserting after paragraph XXXVI the following new paragraph:

XXXVII. "Domicile" means a natural person taking up residence in a town or city within the state and includes but not limited to occupying a primary place of habitation, placing children in a public school within the state, excepting gainful employment, or being a registered voter

liable for a resident tax, provided, however, that no person shall be considered to be domiciled in this state who simultaneously claims residence in any other state for any of the purposes indicated above. In the case of other than a natural person, domicile shall also apply in the case of vehicles principally garaged or kept on the premises of a firm or corporation with a place of business within the state.

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 455, establishing a committee to recodify the motor vehicle laws (Title XXI) and making an appropriation therefor. Ought to Pass.

This legislation is long overdue and will bring laws in line with the Uniform Vehicle Code. Further, some definitions are wrong as well as obsolete portions. Vote was 13-3. Rep. K. Michael Tavitian for Transportation.

Referred to Appropriations.

HB 471, relative to establishing a driver alcohol retraining program and making an appropriation therefor. Refer to Committee on Transportation for Interim Study.

This bill was recommended for interim study because of the ramification and costs involved. Also the Committee had input from the courts and law enforcement agencies as to the impact on highway safety. Vote was 13-3. Rep. Frederick J. Domini for Transportation.

Referred to the Committee on Transportation for Interim Study.

HB 513, relative to establishing standards for motorcycle driver education and training and making an appropriation therefor. Ought to Pass.

This bill has the support of Department of Safety and the motorcycle riders of New Hampshire and the Highway Safety Agency which has allocated grants in the past for this purpose. Vote was 8-7. Rep. K. Michael Tavitian for Transportation.

Referred to Appropriations.

HB 516, simplifying the procedures for registering motor vehicles by designating certain municipal officials as agents. Refer to Committee on Transportation for Interim Study.

This bill will create many situations some of which the Committee is not yet ready to accommodate. There is no doubt that there are areas of the State needing some relief from heavy daily demands on existing facilities. However, some of the provision make it seem advisable to give further study to the bill. A case in point would be the delay in getting information into the computer. Vote was 9-6. Rep. Irvin H. Gordon for Transportation.

Rep. Head moved that the words, Ought to Pass, be substituted for the committee report, Refer to Committee on Transportation for Interim Study, and spoke to her motion.

Reps. Clark, Walter, Felch, Kenneth Smith, Tavitian and Catherine-Ann Day spoke against the motion.

Reps. Packard, L. Penny Dion, Leonard Smith and Hoar spoke in favor of the motion.

Rep. Packard yielded to questions.

Rep. Riley moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 170 NAYS 142

YEAS 170

BEKNAP: Beard, Lawton, Mansfield, Nighswander, Randall and Sabhow.

CARROLL: Roderick Allen, Chase, Desiardins, Heath and Howard.

CHESHIRE: Crane, Jesse Davis, Daniel Eaton, Galloway, Ladd, Lynch, Miller, Nims, Proctor and Russell.

COOS: Elmer Beaulac, Brungot, Burns, Bradley Havnes, Mavhew and Alcide Valliere.

GRAFTON: Chambers, Michael King, Lowmes, Snell, Ward and Andrew Ware.

HILLSBOROUGH: Archambault, Arris, Baker, Bosse, Bover, Brack, Burkush, Carswell, Corey, Corser, Joseph Cote, L. Penny Dion, Donovan, Beverly Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Girolimon, Guidi, Hall, Hardy, Head, Healy, Hendrick, Thomas Hynes, Jamrog, Kaklamanos, Lamv, Lefebvre, Armand Lemire, Roland Lemire, Levesque, Mazur, McLaughlin, Milton Meyers, Mulligan, Naro, Odell, Pappas, Pastor, Perkins, Peters, Plomaritis, Proulx, Reidy, Paul Riley, Sallada, Silva, Edward Smith, Leonard Smith, Stahl, Stylianos, Francis Sullivan, Rock Tremblay, Van Loan, Wallin, Eliot Ware, Weaver, Welch, Emma Wheeler, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Bellerose, Blakeney, Bodi, Carroll, Epstein, Holliday, Locke, McLane, Packard, Doris Riley, Selway, Stokes and Trachy.

ROCKINGHAM: Appel, Blanchette, William Boucher, Marilyn Campbell, Carpenito, Collins, Connors, Dunfee, Ellyson, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Hoar, Jackson, Kashulines, Keenan, Kozacka, LoFranco, Lovejoy, Newell, Newman, Pantelakos, Parolise, Parr, Pevear, Reese, Scamman, Schwaner, Skinner, Freda Smith, Stickney, Svek, Tufts, Vlack, Warburton and Helen Wilson.

STRAFFORD: Burchell, Gannev, DeNafio, Donnelly, Farnham, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joos, Maglaras, Meader, Nadeau, Pine, Preston, Dennis Ramsey, Schreiber, Donald Smith, Valley and Vaughan.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, Lucas and Townsend.

NAYS 142

Amendment

BELKNAP: Birch, French and Morin.

CARROLL: Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Ernst, Johnson, Kohl, Matson, Moore, O'Connor, William Riley, Vrakatitsis and Jean White.

COOS: Bouchard, Chappell, Fortier, Guav, Horton, Hunt, George Lemire, Theriault, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Christy, Clark, Crory, Dearborn, Foster, Logan, Low, Mann, McIver, Thomson and Walter.

HILLSBOROUGH: Compagna, Coutermarsh, Crott, Catherine-Ann Dav, Dreniak, Clyde Eaton, Peter Flynn, Gelinis, Granger, Sal Grasso, Heald, Karnis, Lvons, Madigan, Marcoux, Morgan, Morrison, Murray, Aime Paradis, Podles, Polak, Record, Roy, Soucy, Spirou, Steiner, Vachon, Wallace, Kenneth Wheeler and Zajdel.

MERRIMACK: Ayles, Bibho, John Cate, Milton Cate, Clements, Colby, Daniell, James Humphrey, LaBranche, Mitchell, Nichols, O'Neill, Ralph, Randlett, William Roberts, Shepard, Gerald Smith, Stio, Stockman, Rick Trombly, Ernest Valliere and Waters.

ROCKINGHAM: Benton, Bishee, Blake, Butler, Patricia Cote, Roy Davis, Robert Dav, Felch, Gibbons, Gould, Hartford, Roger King, Krasker, Landry, Laycock, Krasker, Landry, Laycock, Leslie, Joseph MacDonald, McEachern, Norman Myers, Nelson, Peterson, Pucci, Quimby, Rogers, Schnidtchen, Splaine, Stimmell, Tavitian, Vartanian, Woinowski, Wolfson and Woodman.

STRAFFORD: Ronald Chagnon, Gauvin, Gosselin, Pray, Robinson, Tripp and Whitehead.

SULLIVAN: Cutting, D'Amante, Domini, Sim Gray, LeBrun, Spanos, Spaulding, Wiggins and Williamson, and the motion was adopted.

Question being on the substituted committee report, Ought to Pass.

Adopted.

Referred to Appropriations.

HB 541, requiring reconsideration of the formula used to apportion costs among pre-existing districts in a cooperative school district. Ought to Pass with Amendment.

This bill will provide an opportunity for a pre-existing district (in a cooperative) school district to have a warrant article presenting another formula when the difference in the school tax rate between any two or more pre-existing districts is more than \$8 per \$1000. Vote was 12-1. Rep. Edmund M. Keefe for Education.

Amend RSA 195:8-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

195:8-a Mandatory Reconsideration. In addition to any reconsideration undertaken as provided in RSA 195:8, after the expiration of the first 5 year period measured from the date of the first annual meeting, whenever it should occur that at least one pre-existing district in a cooperative school district has a tax rate for schools, as equalized, equal to or exceeding \$8 per \$1,000 valuation more than that of any other pre-existing district in the same cooperative school district, the school board of such cooperative school district shall place on the warrant of the next annual district meeting an article proposing one of the formulas provided in RSA 195:7 so that, if approved, it shall result in a tax rate, as equalized, whereby no pre-existing district shall pay at a rate equal to or in excess of \$8 per \$1,000 of equalized valuation in the first year of adoption more than any other pre-existing district within the cooperative. If the proposed formula is adopted, the first year of assessment shall be the fiscal year commencing the July 1 following the vote of the district. The majority vote of the district shall be the sole determinant of whether or not a change in the basis of apportionment shall be made.

Amendment adopted.

Rep. Bibho moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Nichols, Wiggins, Valley, Williamson and William Boucher spoke against the motion.

Motion lost.

Ordered to third reading.

HB 574, relative to the vivisection of and scientific experiments on live and dead animals in schools K-12. Inexpedient to Legislate.

At present, Humane Society guidelines exist for control of vivisection and scientific experiments on live or dead animals in New Hampshire schools K through 12. The Committee further questions its authority in regard to New Hampshire private schools. Vote was 13-0. Rep. Arthur Tufts for Education.

Rep. Sabhow moved that the words, Refer to the Committee on Education for Interim Study, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Motion lost.

Resolution adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Bosse moved that the House reconsider its action whereby it passed HB 171, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 20 years.

Reconsideration lost.

Rep. French moved that HB 254, prohibiting the "docking" of the tail of a horse, be made a Special Order for Wednesday, April 11.

Adopted.

VACATES

Rep. Townsend moved that the House vacate the reference of HB 841, relative to thoroughbred horse breeding, to the Committee on Executive Departments and Administration.

Adopted.

The Speaker referred HB 841 to the Committee on Environment and Agriculture.

Rep. Quimby moved that the House vacate the reference of HB 859, to prohibit increased fuel adjustment charges based on substituting power and fuel costs, to the Committee on Commerce and Consumer Affairs.

Adopted.

The Speaker referred HB 859 to the Committee on Science and Technology.

Rep. Mann moved that the House vacate the reference of HB 725, allowing cities and towns to adopt a provision requiring tuition payments for public students residing on certain tax-exempt property, to the Committee on Municipal and County Government.

Adopted.

The Speaker referred HB 725 to the Committee on Education.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

HB 189, making certain supplemental appropriations to various agencies and relative to expenditures and duties of the sunset committee. (Amendment printed SJ 4/5)

Rep. French moved that the House concur. Adopted.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Wednesday, April 11 at 12:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 541, requiring reconsideration of the formula used to apportion costs among pre-existing districts in a cooperative school district.

HB 621, relative to the payment mechanism by which the state assists local school districts pay for the costs of special education.

HB 2, relative to proceedings in certain sexual assault cases.

HB 460, relative to certain supplemental appropriations.

HB 504, relative to the development of a non-mandatory program of comprehensive health education.

HB 383, relative to strip development along highways.

HB 570, relative to the composition of the personnel commission.

HB 112, authorizing the fish and game commission to set the deer season.

HB 133, establishing a Pittsfield judicial district and a Pittsfield district court.

HB 171, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 20 years.

HB 410, relative to the issuance of a certificate of title on mobile homes.

HB 419, relative to the registration of a motor vehicle and obtaining a license to operate.

Rep. French moved that the House adjourn. Adopted.

HOUSE JOURNAL 23

Wednesday 11Apr79

The House met at 12:30 p.m.

Prayer was offered by the House Chaplain, Rev. William L. Quirk.

Let us pray:

Heavenly Father, You alone are the author of all truth. We ask that You lead us out of darkness into the light of Your wisdom and light.

Attune our minds to the sound of Your voice, lead our steps in the path of Your will.

Finally, Almighty Father, may we enjoy the strength of Your presence forever. Amen.

Rep. Laycock led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. John Winn, Fisher, Close, Cotton, Aubut, Richardson, Martineau, Cordon, Maglaras and Michael Hanson, the day, illness.

Reps. Dolbec, Jones, Keefe, Burrows, Donald Smith, McManus, Meader, Jean White, Cutting and Levesque, the day, important business.

Reps. McAvoy and Compagna, the day, death in the family.

Rep. Griffin, illness in the family.

INTRODUCTION OF GUESTS

Norman Prestage of Olympic Airways, guest of Rep. Spirou; Harvey Newhall of Exeter, uncle of Rep. Aeschliman; Sandra and Mark Canney and former member Ethel Canney, wife, son and mother of Rep. Canney; Mrs. Josephine M. Wieholdt of White Plains, New York, mother of Rep. James J. White.

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the Consent Calendar, with the relevant committee amendments, be adopted as printed in today's House Record.

Adopted.

HB 638, amending the definition of "emotionally handicapped" in RSA 186-A. Ought to Pass.

HB 638 clarifies the definition of emotionally handicapped for educational purposes. It brings New Hampshire law into compliance with Public Law 94-142. Vote was 14-0. Rep. Bettv Jo Taffe for Education.

HB 270, giving municipalities the option to designate certain areas within their jurisdiction as critical and to permit development therein when in accordance with protective standards. Refer to Committee on

Environment and Agriculture for Interim Study.

The Committee feels that critical lands legislation must be workable and provide uniform, positive results. The Committee needs time to accomplish that goal. Vote was 15-1. Rep. Barbara B. Bowler for Environment and Agriculture.

HR 229, requiring commencement of construction of dog and horse racing facilities within 2 years after local option approval of the license therefor. Inexpedient to Legislate.

Although this bill addresses the issue of home rule, the Committee felt that the problem in Hudson and Windham would not be affected. Vote was 10-2. Rep. Jean T. White for Regulated Revenues.

HB 593, relative to accommodating the overflow crowd from cocktail lounges. Ought to Pass with Amendment.

This bill affords the licensee an extended use of his facilities during peak business periods. It is especially beneficial in short-seasoned resort areas. Vote was 12-0. Rep. Joseph C. Flynn for Regulated Revenues.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Overflow Area. Amend RSA 178:3-c (supp) as inserted by 1963, 206:1 as amended by striking out said section and inserting in place thereof the following:

178:3-c Restaurant Cocktail Lounges. The commission may issue a special license to any first-class restaurant holding a license issued under RSA 178:3-a to serve liquor and beverages in any room of said restaurant designated by the commission. The commission may extend such special license to include the serving of liquor and beverages on a patio area of said restaurant which is not within direct view of any public way. Liquor and beverages served in such room or on such patio need not be consumed with meals. The commission may also extend such special license to include the use of a dining area in the restaurant, after such area has been closed for serving meals, but not before 9 o'clock, p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In said overflow area liquor and beverages need not be served with meals as required under RSA 178:3-a. The number of guests allowed to use a dining area of the restaurant as a lounge on an overflow basis shall not exceed the number allowed to use the lounge area. Licenses shall be granted only to such restaurants as the commission, at its discretion, shall approve and then only to such restaurants as can show the commission on forms and under rules prescribed by the commission that at least 50 percent of the combined restaurant and lounge sales shall fall within the category of food. Restaurants with annual food sales or at least \$50,000 shall be exempted from the 50 percent requirement and the commission may prorate by rule the annual food sale requirements for bona fide seasonal

restaurants on this basis. The commission may grant, regulate, suspend or revoke said special license without affecting any other license and permit which shall be granted to said restaurant. The fee for such special license shall be \$175 per year.

2 Overflow Area in Hotel. Amend RSA 178:4 (supp) as amended by striking out said section and inserting in place thereof the following:

178:4 --Special License. The commission may issue a special license to any first-class hotel, holding the license and permit provided under RSA 178:3, to serve liquor and beverages in any room of said hotel designated by the commission. The commission may also extend such special license to include the use of a dining area in the restaurant of said hotel, after such area has been closed for serving meals, but not before 9 o'clock, p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In said overflow area liquor and beverages need not be served with meals as required under RSA 178:3. The number of guests allowed to use a dining area of the restaurant as a lounge on an overflow basis shall not exceed the number allowed to use the lounge area. The commission may grant, regulate, suspend or revoke said special license without affecting any other license and permit which may be granted to said hotel. The fee for such special license shall be \$175 a year.

3 Effective Date. This act shall take effect 30 days after its passage.

HB 295, repealing certain provisions relative to emergency diagnostic detention hearings. Inexpedient to Legislate.

This subject matter will be covered by HB 378. Vote was 11-0. Rep. Gloria M. Randlett for State Institutions.

HBI 2008, relating to medical insurance for residents of state institutions. Refer to Committee on State Institutions for Interim Study.

The Committee felt that the question of paying the hospital costs of the residents of our state institutions through medical insurance needs further study. Vote was 16-0. Rep. Guy R. Granger, Jr. for State Institutions.

SENATE MESSAGE CONCURRENCE

HB 384, requiring a school census biennially.

HB 109, increasing the appropriation for cooperative extension work.

HB 271, authorizing the New Hampshire society for the prevention of cruelty of animals to hold property with no limitation.

INTRODUCTION OF SENATE BILLS First, second reading and referral

SB 87, repealing the provisions of the administrative committee of probate court. (Judiciary)

SB 59, relative to the mandatory retirement age of sheriffs. (Executive Departments and Administration)

SB 42, revising the pharmacy laws. (Commerce and Consumer Affairs)

SB 35, relative to financial disclosure for all elected and appointed officials in the state of New Hampshire. (Statutory Revision)

SB 61, authorizing towns to make appropriations for cultural activities. (Municipal and County Government)

SB 69, to prohibit the mandatory retirement of public and private employees. (Executive Departments and Administration)

SR 91, relative to ORRV use of bridges in certain cases. (Transportation)

CACR 10, Relating to: the age of retirement of sheriffs. Providing that persons who reach age 70 during their elected term may finish the term. (Constitution Revision)

The Speaker requested a quorum count.
The Speaker declared a quorum present.

COMMUNICATION

James A. Chandler
House Clerk

On April 11, 1979, the following representative-elect appeared before the Governor and Council and was sworn into office:

Belknap County District No. 5 (Laconia, Wards 1, 3 and 6)
Charles L. Downs, r, Laconia (14 Whipple Street 03246)

Sincerely yours,
Robert P. Ambrose
Deputy Secretary of State

The Speaker introduced Rep. Downs.

VACATE

Rep. Mann moved that the House vacate the reference of HB 723, to revise the current use assessment tax, to the Committee on Municipal and County Government.

Adopted.

The Speaker referred HR 723 to the Committee on Environment and Agriculture.

Reps. French and Spiro moved that HB 560, relative to voluntary participation in issuing public utility stock in return for construction work in progress charges, be made a Special Order for the Regular Calendar following the reports from the Commerce and Consumer Affairs committee. Adopted.

RECESS

The Speaker requested a quorum count.
The Speaker declared a quorum present.

COMMITTEE REPORTS (Regular Calendar)

HB 155, requiring public utilities' rates to be based on a current level of service. Majority: Inexpedient to Legislate. Minority (Reps. Crory, Gelineas, Pucci, Appel, Baker, McCarthy and Plomaritis): Ought to Pass.

MAJORITY: Committee voted 10-7 "Inexpedient to Legislate." Without CWIP the cost of power will rise in the next five years approximately 67 per cent. With CWIP the interest will only

raise 49 per cent, and without CWIP there is a question of whether Public Service Company of New Hampshire can retain 28 per cent share in critical financial position. Rep. Edward J. Allgeyer for Majority of Commerce and Consumer Affairs.

MINORITY: Public Service Company has testified they no longer will need CWIP after they have been divested of 22 per cent of its share of Seabrook. Hundreds of consumers testified or wrote asking for the removal of CWIP charges because of the unfair involvements of consumers in corporate decisions. Public Service does not need CWIP any longer and the consumers do not either!!! Reps. Elizabeth L. Crory, David L. Gelinas, Phyllis J. Pucci, J. Leo Appel, George B. Baker, Sr., William J. McCarthy and Claire Plomaritis for Minority of Commerce and Consumer Affairs.

Rep. Gelinas moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Quimby, Morgan, Allgeyer, M. Arnold Wight, Joseph Cote and Wiggins spoke against the motion.

Reps. Chambers, French, Leonard Smith, Parr and Farnham spoke in favor of the motion.

Reps. Cahill, Snell, Scamman, Humphrey, Ernst, Lamy, Bosse and Ward spoke against the motion.

Reps. Daniell, Coutermarsh, Spirou and Crory spoke in favor of the motion.

Reps. Quimby and Crory yielded to questions.

Rep. Stimmell moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 234 NAYS 128

YEAS 234

BELKNAP: Bordeaux, Bowler, Gary Dionne, French, Hildreth, Mansfield, Matheson, Nighswander, Randall, Sabhow and Sanders.

CARROLL: Roderick Allen, Desjardins and Heath.

CHESHIRE: Callahan, Dostilio, Daniel Eaton, Eisengrein, Kohl, Ladd, Lvnch, Matson, Miller, Nims, Poanessa, Proctor, Margaret Ramsay, William Riley, Russell and Vrakatisis.

COOS: Elmer Beaulac, Bouchard, Chappell, Fortier, Guay, Bradley Haynes, Horton, George Lemire, Mayhew, Oleson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Chambers, Copenhaver, Crory, Foster, Michael King, McIver, Rounds, Seely and Taffe.

HILLSBOROUGH: Archambault, Baker, Wilfrid Boisvert, Bover, Brack, Burkush, Carswell, Corey, Corser, Coutermarsh, Craig, Crotty, Catherine-Ann Day, L. Penny Dion, Donovan, Drowniak, Beverly Dupont, Joseph Eaton, Peter Flynn, Gabrielle Gagnon, Nancy Gagnon,

Gelinas, Girolimon, Guidi, Hall, Hardy, Head, Hendrick, Jamrog, Kaklamanos, Lefebvre, Armand Lemire, Roland Lemire, Lvons, Madigan, Marcoux, Martel, Martineau, McCarthv, McDonough, Milton Meyers, Morrison, Mulligan, Nardi, Naro, Nemzoff-Berman, Pappas, Pastor, Plomaritis, Polak, Proulx, Peter Ramsey, Reidy, Rov, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Stvilanos, Francis Sullivan, James Sullivan, Sweeney, Thiheault, Rock Tremblay, Vachon, Wallace, Wallin, Welch, Robert Wheeler, Cecelia Winn and Zajdel.

MERRIMACK: Bellerose, Blakenev, Bodi, Carroll, John Cate, Colby, Daniell, Epstein, Holliday, LaBranche, McLane, Mitchell, O'Neill, Paire, Ralph, Rice, Selway, Gerald Smith, Stokes, Trachy, Rick Trombly, Underwood, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Blanchette, William Roucher, Butler, Carpenito, Collins, Connors, Dunfey, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Greene, Hartford, Hoar, Jackson, Kane, Keenan, Kozacka, Krasker, Lavcock, Leslie, LoFranco, Lovejoy, Joseph MacDonald, McEachern, Newman, Pantelakos, Parolise, Parr, Pevear, Pucci, Reese, Rogers, Schwaner, Skinner, Freda Smith, Splaine, Stickney, Stimmell, Tavitian, Tufts, Vartanian, Wojnowski and Woodman.

STRAFFORD: Rurchell, Ronald Chagnon, Demers, DeNafio, Drew, Farnham, Gauvin, Hebert, Dianne Herchek, James Herchek, Joos, Lessard, Meader, Morrisette, Nadeau, Pine, Dennis Ramsey, Matthew Riley, Robinson, Sackett, Schreiber, Valley, Vaughan, Whitehead and Winkley.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, D'Amante, Domini, Sim Gray, LeBrun, Lucas, Spanos, Spaulding, Townsend, Tucker and Williamson.

NAYS 128

BELKNAP: Beard, Birch and Morin.

CARROLL: Chase, Dickinson, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Crane, Jesse Davis, Ernst, Galloway, Johnson, Moore, O'Connor and Scranton.

COOS: Brungot, Burns and Hunt.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Christy, Clark, Dearborn, LaMott, Logan, Low, Lownes, Mann, Peditone, Snell, Thomson, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Arris, Bosse, Yvette Chagnon, Joseph Cote, Clyde Eaton, Granger, Sal Grasso, Heald, Healy, Howard Humphrey, Thomas Hynes, Karnis, Labombarde, Lamv, Mazur, McLaughlin, Morgan, Murray, Odell, Aime Paradis, Perkins, Peters, Podles, David Ramsay, Record, Paul Riley, Sallada, Silva, Steiner, Van Loan, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Allgeyer, Ayles, Bibbo, Laurent

Boucher, Milton Gate, Clements, Hill, James Humphrey, Kidder, Locke, Nichols, Packard, Plourde, Randlett, Doris Riley, William Roberts, Shepard, Stockman and Ernest Valliere.

ROCKINGHAM: Benton, Bisbee, Blake, Cahill, Marilyn Campbell, Patricia Cote, Robert Dav, Ellyson, Felch, Flanagan, Gould, Kashulines, Roger King, Norman Myers, Nelson, Newell, Peterson, Quimby, Scamman, Schmidtchen, Sytek, Vlack, Warburton, Helen Wilson and Wolfesen.

STRAFFORD: Canney, Gosselin, Pray, Preston and Tripp.

SULLIVAN: Palmer and Wiggins, and the motion was adopted.

Rep. Flanagan notified the Clerk that she inadvertently voted nay and meant to vote yea.

Question being on the substituted committee report, Ought to Pass.

Ordered to third reading.

Rep. McManus wished to be recorded in favor of HB 155.

Rep. Roy Davis wished to be recorded against HB 155.

Rep. Healy served notice under Art. 24, Part Second of the Constitution, to have his dissent recorded in the Journal.

HB 134, relative to certain public utility companies establishing future credit accounts to reimburse customers for payment of certain surcharges. Inexpedient to Legislate.

Committee voted 14-1 Inexpedient to Legislate - feeling that at this time there are many questions on the administration of the bill, plus tax questions remaining without a firm answer. There is also the question whether this will spread charges to consumers who at this time are not involved. The Committee commends the sponsors for their efforts to work out a solution for this difficult situation in utility financing. Rep. C. Dana Christy for Commerce and Consumer Affairs.

Rep. French moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Crory spoke in favor of the motion.

Rep. Quimby moved that HB 134 be recommitted to the Committee on Commerce and Consumer Affairs.

Rep. Sproul spoke in favor of the motion. Recommitted to the Committee on Commerce and Consumer Affairs.

HB 197, relative to public utilities issuing stock in return for construction work in progress charges. Inexpedient to Legislate.

HB 197 would require a utility company to issue stock and pay dividends to ratepayers for CWIP charges allowed in the rate base. The Committee commends the sponsors for their initiative in trying to reimburse consumers and allow utility companies some relief in order

to finance capital projects. The complexity in issuing stock for the company and in securing approval from the Security Exchange Commission were considered cumbersome. The Committee voted unanimously (16-0) inexpedient to legislate with the intent to consider further HB 134 which is similar in scope and intent and would be easier to implement. Reps. Elizabeth L. Crory and John B. Morgan for Commerce and Consumer Affairs.

Resolution adopted.

The Speaker called for the Special Order.

HB 560, relative to voluntary participation in issuing public utility stock in return for construction work in progress charges. Inexpedient to Legislate.

HB 560 would require the Public Utilities Commission to allow CWIP charges only on a voluntary basis by customers who would be issued stock in return. The Committee felt the complexity of the process and the instability of income to a company made this bill inexpedient to legislate. The Committee commends the sponsors for their initiative in trying to work out a solution to the problem of utility financing. Vote was 16-0. Reps. Elizabeth L. Crory and John B. Morgan for Commerce and Consumer Affairs.

Rep. Zajdel moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Quimby spoke against the motion.

Rep. Crory spoke against the motion and yielded to questions.

Motion lost.

Resolution adopted.

HB 375, relative to the sweepstakes commission's contributions to education. Ought to Pass with Amendment.

This bill reaffirms the concept for which the Sweepstakes Commission was created, namely to return to education a certain part of its revenue and that failing to do so, would subject the Commission to a complete review of its operations by the Legislature. Vote was 11-1. Rep. Ralph J. Morin for Regulated Revenues.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Mandatory Grant for Educational Purposes. Amend RSA 284:21-j as inserted by 1963, 52:1 as amended by striking out said section and inserting in place thereof the following:

284:21-j Establishment; Mandatory Grant for Education.

1. The state treasurer shall credit all moneys received from the sweepstakes commission, and interest received on such moneys, to a special fund from which he shall pay all expenses of the commission incident to the administration of this

subdivision and shall pay out on or before September 15 of each year to the school districts of the state on a flat grant per resident pupil basis any balance in said special fund. Such grants shall be used for educational purposes and no part of said special fund shall be diverted by transfer or otherwise to any other purpose whatsoever.

II. If during any one year of operation, said year running from September 15 of one calendar year to September 14 of the following calendar year, less than 35 percent of the sweepstakes commission's gross revenues are paid out as grants for educational purposes pursuant to paragraph I of this section, the sweepstakes commission shall report to the house of representatives and shall submit to a review of the commission's entire operations by said committee.

Amendment adopted.

Referred to Appropriations.

HB 527, establishing a state gaming commission and authorizing the establishment of state controlled machine gaming and making an appropriation therefor. Inexpedient to Legislate.

The Committee was unanimous on inexpedient to legislate on a vote of 11-0 that New Hampshire was not ready for this type of operation. Rep. James A. Humphrey for Regulated Revenues.

Resolution adopted.

HB 501, providing for local option approval of the sport of jai alai under the direction and supervision of the state jai alai commission. Inexpedient to Legislate.

The Committee feels that any extension of gambling would be against the wishes of the people of this state. It is also felt that this would erode the state's revenue from horse and dog racing. Vote was 12-1. Rep. Lynn C. Horton for Regulated Revenues.

Rep. Kashulines moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate.

Reps. Wiggins, Theriault, Dunfev and Guay spoke in favor of the motion.

Reps. Horton and Hildreth spoke against the motion.

Rep. Lucas spoke against the motion and yielded to questions.

Rep. Kashulines spoke in favor of her motion and yielded to questions.

Rep. Tavitian moved the previous question. Sufficiently seconded. Adopted.

Rep. Kashulines requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 80 NAYS 259

YEAS 80

BELKNAP: Sabhow.

CARROLL: Roderick Allen and Heath.

CHESHIRE: Callahan, Dostilio, Galloway and Poanessa.

COOS: Elmer Beaulac, Burns, Chappell, Guay, Theriault, Alcide Valliere and York.

GRAFTON: Buckman, Clark, Dearborn, Foster, Low, Lowmes, Pepitone, Snell, Thomson and Walter.

HILLSBOROUGH: Baker, Wilfrid Boisvert, Boyer, Brack, Burkush, Crotty, Donovan, Beverly Dupont, Gabrielle Gagnon, Girolimon, Granger, Sal Grasso, Madigan, McDonough, McLaughlin, Odell, Perkins, Polak, Peter Ramsey, Roy, Francis Sullivan, Sweeney, Thihaault, Rock Tremblay, Vachon, James J. White and Zajdel.

MERRIMACK: Ayles, Laurent Boucher, Clements, Epstein, James Humphrey, LaBranche, Locke, Mitchell, Doris Riley and Shepard.

ROCKINGHAM: Robert Day, Dunfev, Kashulines, Roger King, Leslie, Nelson, Newman, Peterson, Schwaner, Freda Smith, Splaine and Svtek.

STRAFFORD: Drew, Hebert, Dianne Herchek, Dennis Ramsev and Matthew Riley.

SULLIVAN: Brodeur and Wiggins.

NAYS 259

BELKNAP: Beard, Birch, Bordeaux, Bowler, Gary Dionne, French, Hildreth, Mansfield, Matheson, Morin, Nighswander, Randall and Sanders.

CARROLL: Chase, Desiardins, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Crane, Jesse Davis, Daniel Eaton, Eisengrein, Ernst, Johnson, Kohl, Ladd, Lynch, Matson, Miller, Moore, Nims, O'Connor, Proctor, Margaret Ramsay, William Riley, Russell, Scranton and Vrakatitsis.

COOS: Brungot, Fortier, Bradley Haynes, Horton, Hunt, George Lemire, Mayhew, Willey and Wiswell.

GRAFTON: Ira Allen, George Cate, Christy, Copenhagen, Crory, Michael King, Logan, Mann, McIver, Rounds, Seel, Taffe, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Archambault, Arris, Bosse, Carswell, Yvette Chagnon, Corey, Corser, Joseph Cote, Coutermarsh, Craid, Catherine-Ann Day, L. Penny Dion, Drewniak, Joseph Eaton, Peter Flynn, Nancy Gagnon, Gelinas, Guidi, Hall, Hardy, Head, Heald, Healy, Hendrick, Howard Humphrey, Thomas Hynes, Jamrog, Kaklamanos, Karnis, Labombarde, Lamv, Lefebvre, Armand Lemire, Roland Lemire, Ivons, Martel, Mazur, McCarthy, Milton Meyers, Morgan, Morrison, Mulligan, Murray, Nardi, Naro, Pappas, Peters, Plomaritis, Podles, Proulx, David Ramsay, Record, Reidy, Paul Riley, Sallada, Silva, Edward Smith, Leonard Smith, Soucy, Spirou, Steiner, Stilianos, James Sullivan, Van Loan, Wallin, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, M. Arnold Wight and Cecelia Winn.

MERRIMACK: Bellerose, Bibbo, Blakeney, Bodi, Carroll, John Cate, Milton Cate, Colby, Daniell, Hill, Holliday, Kidder, McLane, Nichols, O'Neill, Packard, Paire, Ralph, Randlett, Rice, William Roberts, Selway, Gerald Smith, Stockman, Stokes, Trachy, Rick Trombly, Underwood, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Blake, Blanchette, William Boucher, Butler, Cahill, Marilyn Campbell, Carpenito, Collins, Connors, Patricia Cote, Ellyson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Hartford, Hoar, Jackson, Kane, Keenan, Kozacka, Laycock, LoFranco, Lovejoy, McEachern, Norman Myers, Newell, Pantelakos, Parolise, Parr, Pevear, Pucci, Quimby, Reese, Rogers, Scamman, Schmidtchen, Skinner, Stickney, Stimmell, Tavitian, Tufts, Vartanian, Vlack, Warburton, Helen Wilson, Wojnowski, Wolfson and Woodman.

STRAFFORD: Burchell, Canney, DeNafio, Farnham, Gauvin, Gosselin, James Herchek, Joos, Lessard, Meader, Nadeau, Pine, Pray, Preston, Robinson, Sackett, Schreiber, Tripp, Valley, Vaughan, Whitehead and Winkley.

SULLIVAN: Edmund Belak, David Campbell, D'Amante, Domini, Sim Gray, LeBrun, Lucas, Palmer, Spanos, Spaulding, Townsend, Tucker and Williamson, and the motion lost.

Resolution adopted.

HCR 7, relative to growth management. Ought to Pass.

This resolution presents the recommendation concerning growth management and economic development in the state as prepared by the Select Committee on Growth Management and Economic Development. The resolution contains 11 proposed goals with a number of state policies within each goal. Vote was 13-0. Rep. Philip C. Heald, Jr. for Resources, Recreation and Development.

Ordered to third reading.

HR 93, relative to increasing the permissible amount of assets and combined income under the expanded elderly exemption provisions for taxed property. Inexpedient to Legislate.

This bill would put an undue strain on city and town budgets at this time by reducing their revenues. It would further expand the injustices to the elderly who rent and do not own property because landlord's taxes would increase, thereby increasing rents, thus offering no relief at all to this portion of the elderly population. This represents a serious narrowing of the tax base. Vote was 15-0. Rep. Carroll E. Canney for Ways and Means.

Rep. Towle moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Canney and McLane spoke against

the motion and yielded to questions.

Rep. Dickinson spoke in favor of the motion and yielded to questions.

Rep. Arris spoke in favor of the motion.

Rep. Milton Cate moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 109 NAYS 230

YEAS 109

BELKNAP: Birch, Matheson, Morin and Sanders.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson, Heath, Howard, Kenneth MacDonald and Towle.

CHESHIRE: Dostilio, Galloway, Lynch, Poanessa and Vrakatisis.

COOS: Brungot, Chappell, Bradley Haynes, George Lemire, Mayhew, Alcide Valliere and York.

GRAFTON: Buckman, Christy, Clark, Foster, Low, McIver and Thomson.

HILLSBOROUGH: Archambault, Arris, Baker, Brack, Burkush, Carswell, Corey, Craig, Donovan, Nancy Gagnon, Hall, Healy, Hendrick, Thomas Hynes, Lefebvre, Armand Lemire, Mazur, McDonough, Odell, Perkins, Plomaritis, Polak, Proulx, Record, Silva, Edward Smith, Stilianos, Rock Tremblay and Welch.

MERRIMACK: Bellerose, Blakeney, Bodi, Laurent Boucher, John Cate, Hill, Holliday, LaBranche, Locke, Nichols, O'Neill, Plourde, Randlett, Shepard, Stockman, Rick Trombly, Waters and Wiviott.

ROCKINGHAM: Butler, Laycock, LoFranco, Joseph MacDonald, McEachern, Norman Myers, Nelson, Newman, Pantelakos, Parr, Peterson, Pevear, Pucci, Freda Smith, Splaine, Tavitian, Warburton and Wolfson.

STRAFFORD: DeNafio, Hebert, Dianne Herchek, Nadeau, Pine, Dennis Ramsey and Vaughan.

SULLIVAN: Brodeur, David Campbell, D'Amante, Sim Gray, LeBrun and Lucas.

NAYS 230

BELKNAP: Beard, Bordeaux, Bowler, Garv Dionne, French, Hildreth, Mansfield, Randall and Sabbow.

CARROLL: Keller.

CHESHIRE: Raybitt, Callahan, Crane, Jesse Davis, Daniel Eaton, Eisengrein, Ernst, Johnson, Kohl, Ladd, Matson, Miller, Moore, Nims, O'Connor, Proctor, Margaret Ramsay, William Riley, Russell and Scranton.

COOS: Elmer Beaulac, Bouchard, Burns, Fortier, Guay, Horton, Hunt, Theriault, Willey and Wiswell.

GRAFTON: Aldrich, Ira Allen, George Cate, Copenhaver, Crory, Dearborn, Michael King,

Logan, Lowmes, Mann, Pepitone, Rounds, Seely, Snell, Taffe, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Wilfrid Boisvert, Bosse, Boyer, Yvette Chagnon, Corser, Joseph Cote, Crotty, Catherine-Ann Day, L. Pennv Dion, Drewniak, Beverly Dupont, Joseph Eaton, Peter Flynn, Gabrielle Gagnon, Gelinas, Girolimon, Granger, Sal Grasso, Guidi, Hardy, Head, Heald, Jamrog, Kaklamanos, Karnis, Labombarde, Lamv, Roland Lemire, Lyons, Madigan, Martel, McCarthv, McLaughlin, Milton Meyers, Morrison, Mulligan, Murray, Nardi, Naro, Pappas, Aime Paradis, Peters, Podles, Peter Ramsey, Reidy, Paul Riley, Roy, Sallada, Soucy, Spirou, Stahl, Steiner, Francis Sullivan, James Sullivan, Thibeault, Vachon, Van Loan, Wallin, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White, M. Arnold Wight, Cecelia Winn and Zajdel.

MERRIMACK: Ayles, Bibbo, Carroll, Milton Cate, Clements, Colby, Daniell, Epstein, James Humphrey, Kidder, McLane, Mitchell, Packard, Paire, Ralph, Rice, Doris Riley, William Roberts, Selway, Gerald Smith, Stokes, Trachy and Ernest Valliere.

ROCKINGHAM: Aeschliman, Appel, Benton, Blake, Blanchette, William Boucher, Cahill, Carpenito, Collins, Connors, Patricia Cote, Robert Dav, Dunfey, Ellyson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Hartford, Hoar, Jackson, Kane, Kashulines, Keenan, Roger King, Kozacka, Leslie, Lovejoy, Newell, Parolise, Quimbv, Reese, Rogers, Scamman, Schmidtchen, Schwaner, Skinner, Stickney, Stimmell, Sytek, Tufts, Vartanian, Vlack, Helen Wilson, Wojnowski and Woodman.

STRAFFORD: Burchell, Canney, Ronald Chagnon, Drew, Farnham, Gauvin, Gosselin, James Herchek, Joos, Lessard, Meader, Morrisette, Pray, Preston, Matthew Rilev, Robinson, Sackett, Schreiber, Tripp, Vallev, Whitehead and Winkley.

SULLIVAN: Edmund Belak, Domini, Palmer, Spanos, Spaulding, Townsend, Tucker, Wiggins and Williamson, and the motion lost.

Question being on the adoption of the committee report.

Resolution adopted.

HB 399, changing the basis for distribution of state revenues to cities and towns. Inexpedient to Legislate.

The Ways and Means Committee felt unanimously that HB 399 would undo all the work done by the 1977 session in equalizing distribution of revenue to cities and towns. Additionally, since only public school students are counted, those areas with high proportions of private or parochial students would suffer. Vote was 15-0. Rep. Jean R. Wallin for Ways and Means.

Rep. Joos moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Wallin spoke against the motion and yielded to questions.

Rep. Milton Cate moved the previous question. Sufficiently seconded. Adopted.

Motion lost.

Resolution adopted.

HB 567, relative to the timber yield tax. Ought to Pass.

A reasonable bill that permits the assessment of interest on taxes that are more than 30 days overdue. Vote was 17-0. Rep. Bruce C. Rounds for Ways and Means.

Ordered to third reading.

RECONSIDERATION

Rep. Rod Allen moved that the House reconsider its action whereby it passed HB 254, prohibiting the "docking" of the tail of a horse.

Rep. Johnson spoke in favor of the motion.

Rep. Scamman spoke against the motion and yielded to questions.

Rep. Marilyn Campbell spoke against the motion.

Reconsideration lost.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Thursday, April 12 at 12:30 p.m. and that any bills removed from the Consent Calendar of Thursdav, April 12, be taken up Tuesday, April 17.

Adopted.

LATE SESSION

Third reading and final passage

HB 638, amending the definition of "emotionally handicapped" in RSA 186-A.

HB 593, relative to accommodating the overflow crowd from cocktail lounges.

HB 155, requiring public utilities' rates to be based on a current level of service.

HCR 7, relative to growth management.

HB 567, relative to the timber yield tax.

RECESS

Rep. Lyons moved that the House adjourn. Adopted.

HOUSE JOURNAL 24

Thursday 12 Apr 79

The House met at 12:30 p.m.

Prayer was offered by the House Chaplain, Rev. William L. Quirk.

Let us pray:
Eternal Father, Maker of us all, we celebrate Your presence with us today.

All things are ordered by Your mighty power and Your truth sustains the beauty of our lives in this world.

Look on Your people gathered in your name and may Your love come to rest in our hearts. By Your assistance, may we disperse all divisions of mind and heart among us and allow us to be peaceful in our lives and joyful in our work forever. Amen.

Rep. Randlett led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. John Winn, Fisher, Close, Cotton, Gerald Smith, Gordon, Richardson and McIver, the day, illness.

Reps. Jesse Davis, Donald Smith, Burrows, Keefe, Jones, Dolbec, Valley, Record, Baybutt, Landry, Stockman and Krasker, the day, important business.

Rep. Compagna, the day, death in the family.

Reps. Griffin and Mitchell, the day, illness in the family.

INTRODUCTION OF GUESTS

A senior citizens group from Raymond and Fremont, guests of Rep. Blake; Joseph Ramsey, father and guest of Rep. Dennis Ramsey.

COMMITTEE REPORTS

(Consent Calendar)

Rep. French moved that the Consent Calendar, with the relevant committee amendments, be adopted as printed in today's House Record.

HB's 558 and 614 were removed at the request of Rep. Sanders.

HB 609 was removed at the request of Rep. Arris.

HB 453 was removed at the request of Rep. Daniel Eaton.

HB 530 was removed at the request of Rep. M. Arnold Wight.

SB 41 and HBs 545 and 603 were removed at the request of Rep. Rod Allen.

HB 515 was removed at the request of Rep. French.

Adopted.

HB 411, relative to the loaning authority of cooperative banks, building and loan associations and savings and loans associations. Ought to Pass.

Due to inflation, the prices of motor homes have increased. This bill would allow the banks involved to loan higher amounts for longer periods of time. Vote was unanimous 14-0. Rep. J. Leo Appel, Jr. for Commerce and Consumer Affairs.

HB 412, relative to limitations on the loaning authority of cooperative banks, building and loan associations and savings and loan associations. Ought to Pass.

The present law limits the maximum account to \$15,000 on mobile home financing. It also limits the repayment period to 12 years. Due to inflation these limits are no longer practical. This bill removes the \$15,000 ceiling and increases repayment periods to 15 years. Vote was unanimous 14-0. Rep. J. Leo Appel, Jr. for Commerce and Consumer Affairs.

HB 413, relative to the loaning authority of the cooperative banks, building and loan associations and savings and loan associations. Ought to Pass.

As an accommodation of inflation certain banks have found a need to increase the limitations on funds secured by real estate. No one appeared in opposition to the bill. Vote was unanimous 15-0. Rep. J. Leo Appel, Jr. for Commerce and Consumer Affairs.

HB 414, relative to a foreclosure under power of mortgage. Ought to Pass.

This bill changes the time in which the mortgagor in a foreclosure sale of real estate may petition the Superior Court to enjoin the foreclosure sale from 20 days after the receipt of the notice to 20 days after the date of the notice of foreclosure. A "time certain" is established under this bill. Committee vote was unanimous 15-0. Rep. J. Leo Appel, Jr. for Commerce and Consumer Affairs.

HB 415, relative to fines and service charges assessed by cooperative banks, building and loan associations and savings and loan associations. Ought to Pass with Amendment.

This bill would increase late charges on loans from the current 2 per cent a month on the unpaid balance. Many savings banks in the state impose a 4 per cent late charge after 15 days. The amended version of this bill would bring cooperative banks, building and loan associations and savings and loan associations in line with other banks. Vote was 13-0. Rep. J. Leo Appel, Jr. for Commerce and Consumer Affairs.

Amendment

Amend RSA 393:20 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following: 393:20 Fines and Service Charges. It may impose fines upon its shareholders and upon those of its borrowers who are shareholders, for non-payment of interest and principal beginning 14 days after they become due, not exceeding 4 percent a month

upon the sums unpaid. It may make a service charge of not more than \$1 in any calendar year against any savings account if at the time any such charges made: (a) The association is not required to distribute earnings on such account; (b) no payment has been made and no earnings have been distributed on such account for a period of at least 25 months next preceding the date on which such charge is made; and (c) 30 days prior to making the first service charge, the association will mail to the holder of such account, at its last known address, a notice that service charges will be made in accordance with this section.

House Resolution No. 12, relative to New Hampshire ownership of Seabrook station. Inexpedient to Legislate.

All testimony before the Committee was that if required to maintain 50 per cent ownership such requirement would be detrimental to the future operation of the company and to the continued construction of Seabrook. At this late date, it is urgent that the company sell off 22 per cent of ownership to remain solvent. Vote was 16-0. Rep. Catherine G. Lamy for Commerce and Consumer Affairs.

SB 40, repealing the advertising restriction relative to a bank's authority to act as executor. Ought to Pass.

This bill changes a restriction that has always been New Hampshire law so as to be in line with laws of adjacent states. Banks in other states having no such law are able to advertise their executor services, even in New Hampshire, and thereby tend to take business away from New Hampshire banks. Vote was 16-0. Rep. Catherine G. Lamy for Commerce and Consumer Affairs.

SB 88, relative to the redemption of bank shares. Ought to Pass with Amendment. This bill will remedy a situation involving only three banks in New Hampshire wherein they have to service several thousand stockholders owning one to nine shares at a cost way out of proportion to the value of the shares. A premium will be offered to the stockholders. Vote was 16-0. Rep. Edward J. Allgeyer for Commerce and Consumer Affairs.

Amendment

Amend RSA 392:38-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

392:38-a Redemption of Shares.

Notwithstanding the provisions of RSA 392:38, any such corporation which then has more than 500 holders of the shares of its own capital stock shall be entitled, with the express written approval of the bank commissioner, to redeem any and all of such shares from holders thereof who own in the aggregate 10 shares or less of such stock. Such redemption shall be pursuant to a tender offer, the form of which shall have been approved by the bank commissioner, and all shares so redeemed shall be retired within 60 days of the expiration of the

tender offer, thereby reducing the authorized capital stock of the corporation. Within said 60 day period the corporation shall file with the board of trust company incorporation, as required under RSA 392:77, an appropriate amendment reciting the change in outstanding shares.

HR 604, to permit certain refunds of money by state departments upon their receipt of incorrect amounts. Ought to Pass.

This bill is a vehicle to save unnecessary internal state bookkeeping by state agencies, the Comptroller and the State Treasurer. Incorrect checks received by the departments may be returned to sender. Vote was 13-0. Rep. Robert W. Dearborn for Executive Departments and Administration.

HR 616, relative to appraisers of taxable property. Inexpedient to Legislate. Upon request of the sponsor this bill was made inexpedient as the subject matter is covered under House Bill 603. Vote was 13-0. Rep. Edward J. Woinowski for Executive Departments and Administration.

HB 491, requiring optometrists and ophthalmologists to report all discovered cases of bad vision to the bureau of blind services. Ought to Pass with Amendment.

This bill enables patients to have their names reported to the Bureau of Blind Services so that they will be able to receive available assistance. The patient also has the right to deny granting such permission. This bill was passed in the last regular session. Vote was 16-0. Rep. Patricia J. Blanchette for Health and Welfare.

Amendment

Amend RSA 377:34 as inserted by section one of the bill by striking out said section and inserting in place thereof the following:

377:34 Report to Bureau of Blind Services. All registered optometrists in this state shall report, with the permission of the patient, all cases of vision examination results of 20/200 or less, in the better eye, after correction, to the bureau of blind services, division of vocational rehabilitation, department of education. Such report shall contain the name and address of the examined individual, date of birth, the amount of vision in both eyes, and the cause of visual impairment. The information contained in said report shall be treated as confidential by the bureau of blind services.

Amend RSA 329:20-a as inserted by section 2 of the bill by striking out said section and inserting in place thereof the following:

329:20-a Report to Bureau of Blind Services. All licensed physicians practicing ophthalmology in this state shall report, with the permission of the patient, all cases of vision examination results of 20/200 or less, in the better eye, after correction, to the bureau of blind services, division of vocational rehabilitation, department of education. Such report shall contain the name and address of the examined

individual, date of birth, the amount of vision in both eyes, and the cause of visual impairment. The information contained in said report shall be treated as confidential by the bureau of blind services.

HB 549, relative to suspending an individual from receiving welfare assistance if property is transferred to receive welfare assistance. Ought to Pass.

This bill, requested by the Director of the Division of Welfare, to suspend public assistance for up to a year to any person who transfers property for the purpose of becoming, or remaining, eligible for assistance. Vote was 14-1. Rep. Rita C. McAvoy for Health and Welfare.

HB 550, repealing the penalty for misuse of a special circumstance grant. Ought to Pass.

Present State law conflicts with federal regulations. Vote was 13-2. Rep. Marion L. Copenhagen for Health and Welfare.

HB 588, relative to liability of physicians, nurses and ambulance attendants in emergency situations. Ought to Pass with Amendment.

This bill exempts physicians, nurses and hospitals from civil liability for acts or omissions made in giving orders, via remote means of communication, to emergency medical services personnel, if the act or omission is made in good faith, and the person giving the orders is not grossly negligent. The bill gives similar liability immunity to various emergency medical services personnel who follow such remote orders while rendering emergency care. Vote was 15-1. Rep. Esther R. Nighswander for Health and Welfare.

Amendment

Amend RSA 508:12-a, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. No driver-attendant, attendant or emergency medical technician-paramedic shall be liable in a suit for damages as a result of any act or omission made within the level of his training and certification and in good faith based upon advice, consultations or orders by remote communication as described in paragraph I unless said act or omission was a result of gross negligence or wilful misconduct.

HB 597, concerning hearings conducted by the health and welfare advisory commission. Ought to Pass.

This bill provides an appropriate time sequence in the welfare hearing process and requires compliance with the rules and regulations of the Division of Welfare in decisions rendered. Vote was 17-1. Rep. Clifton H. Stickney, Jr. for Health and Welfare.

HB 598, establishing a hearings officer for the division of welfare. Ought to Pass. The intent of this bill is to establish in statute the function of a hearings

officer in the Division of Welfare. Vote was 18-0. Rep. Clifton H. Stickney, Jr. for Health and Welfare.

HB 601, relative to certain changes in laws relating to the division of welfare. Ought to Pass.

HB 601 refers to the removal of liens for medical assistance only, bringing State laws and federal regulations into conformance. Vote was 18-1. Rep. Peter R. Selway for Health and Welfare.

HB 602, relative to settling of welfare disputes between the towns, counties or the state. Ought to Pass.

Provision for voluntary, but binding, arbitration between towns are presently in the statutes. Because the Division of Welfare, sometimes is in the middle of a disagreement between a town and county it requests a similar volunteer arrangement. Any agreement reached between parties is binding. Vote was 18-0. Rep. Fred E. Murray for Health and Welfare.

HB 438, providing for workmen's compensation dependency payments. Inexpedient to Legislate.

This bill would create an inequity in our workers' compensation law. It would also increase premium costs. Vote was 15-0. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

HB 584, providing full pay for persons injured and covered under the purview of workmen's compensation. Inexpedient to Legislate.

This bill creates a disincentive to return to work and would mandate that compensation equal to full pay be paid. It would be extremely costly. Committee vote was 15-0. Rep. Ernest J. Valliere for Labor, Human Resources and Rehabilitation.

HB 607, relative to state police workmen's compensation provisions. Inexpedient to Legislate.

This bill would create an inequity in our workmen's compensation law. The Committee is not convinced that one category of state employee should receive benefits not offered other employees. Also, the cost could be substantial. Committee vote was 15-0. Rep. Kevin T. Mulligan for Labor, Human Resources and Rehabilitation.

HB 606, relative to the restoration of rail passenger service in New Hampshire. Ought to Pass.

The Committee feels that a feasibility study is needed for the restoration of the rail passenger service in New Hampshire. Vote was 12-0. Rep. Lorine M. Walter for Legislative Administration.

HB 608, eliminating the state university system study committee. Inexpedient to Legislate

The sponsor of the bill asked the Committee to bring in the bill inexpedient to legislate as the State University System Study Oversight

Committee is now meeting regularly. Vote was 12-0. Rep. Marshall French for Legislative Administration.

HB 635, relative to the mileage allowance for county business. Ought to Pass.

The Committee was in unanimous agreement that each county should vote on its mileage rate. Vote was 11-0. Rep. Paul I. LaMott for Legislative Administration.

HB 660, relative to naming the bridge to Atlantic Heights after William F. Keefe. Inexpedient to Legislate.

On the basis that the bridge is under the control of the City of Portsmouth, the Committee felt that it lacked the authority to name the bridge (RSA 4:43); additionally, since a special committee of the City of Portsmouth is presently engaged in seeking a suitable name for the bridge, to mandate a name for the bridge at this time would be most unfair to the study committee. Vote was 9-2. Rep. Richardson D. Benton for Legislative Administration.

HBI 2006, relating to the date of convening the county delegations. Refer to Committee on Legislative Administration for Interim Study.

The Committee approves of the idea and a report should be made to the House by November 1, 1979. Vote was 12-0. Rep. Edna Pearl F. Parr for Legislative Administration.

HB 407, requiring a city or town to vote on reassessment when so ordered by the board of taxation. Ought to Pass with Amendment. This bill specifies criteria to be used by the Board of Taxation in reassessments of municipalities. Vote was 15-0. Rep. Arnold B. Perkins for Municipal and County Government.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

to specify criteria to be used
by the board of taxation
in reassessments of municipalities.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Hearing and Use of Criteria Required. Amend RSA 71-B:16, III (supp) as inserted by 1973, 544:2 by inserting in line one after the word "board" the following (, determined in accordance with RSA 71-B:16-a,) so that said paragraph as amended shall read as follows:

III. When in the judgment of the board, determined in accordance with RSA 71-B:16-a, any or all of the property in a taxing district should be reassessed or newly assessed; or

2 Criteria Specified. Amend RSA 71-B by inserting after section 16 the following

new section:

71-B:16-a Criteria for Ordering Reassessment. Prior to making any determination to order a reassessment or a new assessment under RSA 71-B:16, III, the board shall give notice to the selectmen or assessors of the taxing district and, if requested, hold a hearing on the matter at which the selectmen or assessors shall have the opportunity to be heard. The board shall not order any such reassessment or new assessment unless it determines a need therefor utilizing the following criteria:

I. The need for periodic reassessment to maintain current equity.

II. The time elapsed since the last complete reassessment in the taxing district.

III. The ratio of sales prices to assessed valuation in the taxing district and the dispersion thereof.

IV. The quality of the taxing district's program for maintenance of assessment equity.

V. The taxing district's plans for reassessment.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 542, providing for the defense and indemnification of county officers and employees against certain claims. Ought to Pass.

This type of protection is needed and long overdue. It will help in persuading talented people to run for office that otherwise might choose not to run. Vote was 11-0. Rep. David B. Packard for Municipal and County Government.

HB 543, permitting a city or town to require a payment for each lot in a subdivision upon subdivision approval. Inexpedient to Legislate.

This is an unrealistic approach to control growth in any community. Vote was 15-0. Rep. Beverly A. Gage for Municipal and County Government.

HB 561, permitting village districts to receive monies from towns in anticipation of tax share. Ought to Pass with Amendment.

HB 561 will legalize procedures now being followed in certain towns. Vote was 11-0. Rep. Beverly A. Gage for Municipal and County Government.

Amendment

Amend RSA 33:7, IV as inserted by section one of the bill by striking out same and inserting in place thereof the following:

IV. A village district established pursuant to RSA 52:1 may apply to the town it is situated in for tax anticipation money before the tax rate has been established for the town if said district presents to the selectmen a district budget, approved at a properly constituted district meeting called for the purpose of approving a budget. Towns may advance to any village district a share of any money borrowed by the town in anticipation of taxes, not exceeding the total approved budget amount to be paid to such district. The town may charge the district a proportionate share of the

interest due on that town's tax anticipation notes.

HB 562, authorizing registers of deeds to send lists of conveyances for tax purposes to towns 4 times per year. Ought to Pass.

This bill requires the registers of deeds to send a list of real estate conveyances to Selectmen of towns and Assessors of cities quarterly when requested by the Selectmen and Assessors. Vote was 11-0. Rep. Arnold B. Perkins for Municipal and County Government.

HB 577, relative to increasing the number of trustees on town boards of trustees. Ought to Pass.

Extends municipalities more practical flexibility in the administration of trust funds. Vote was 12-0. Rep. Anthony Pepitone for Municipal and County Government.

HB 582, relative to eligibility disclosure provisions on tax exemption applications. Refer to Committee on Municipal and County Government for Interim Study.

This is much needed legislation. but questions have arisen as to the right of privacy. This bill also has some problems in its content, the Committee feels it needs further study before passage. Vote was 12-0. Rep. Beverly A. Gage for Municipal and County Government.

HB 583, relative to taxing certain property, otherwise exempt, in the town of Orford. Inexpedient to Legislate.

Serious question regarding concept of taxing such structures plus property involved in process of being sold to non-exempt taxpayer. Vote was 12-0. Rep. Anthony Pepitone for Municipal and County Government.

HB 586, relative to tax maps. Inexpedient to Legislate.

This legislation would make it impossible for the register of deeds to keep up the tax maps. Testimony given stated that this legislation would be very costly to the towns and cities. Vote was 12-0. Rep. Dorothy J. Dreniak for Municipal and County Government.

HB 587, relative to eliminating the \$30,000 asset limitation on property tax exemptions for the blind. Inexpedient to Legislate.

This bill was requested to be withdrawn by the sponsor. Vote was 12-0. Rep. Arnold B. Perkins for Municipal and County Government.

HB 591, relative to juror and witness fees. Ought to Pass.

Due to the increased cost of attending court as a witness this bill is necessary. Vote was 12-0. Rep. Beverly A. Gage for Municipal and County Government.

SB 9, relative to the replacement of windows in the state house annex and the powers of the subcommittee for the handicapped and making and appropriation therefor. Ought to Pass.

The Committee feels that the program to replace the windows destroyed in the recent fire at the State House Annex should proceed without delay. Vote was 11-0. Rep. Ruth L. Griffin for Public Works.

Referred to Appropriations.

HB 663, allowing minors to clean tables and glasses where liquor is served and to carry alcoholic beverages in case lots. Ought to Pass with Amendment.

This bill liberalizes the law pertaining to hiring minors for menial tasks by on-sale permittees extending the same privilege now enjoyed by off-sale licensees. Vote was 16-0. Rep. Ralph J. Morin for Regulated Revenues.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:
2 Effective Date. This act shall take effect upon its passage.

HB 579, relative to certain persons applying for a marriage license. Inexpedient to Legislate.

Committee does not feel House Bill 579, which modifies the requirement for both parties to personally appear when filing marriage intentions, is necessary. No other state has adopted this legislation and waivers are available in extenuating circumstances. Unanimous vote of Committee 13-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 497, requiring children under 12 years of age to use seat belts while riding in a private passenger vehicle. Inexpedient to Legislate.

The Transportation Committee feels that HB 497 is not workable (not enforceable) at this time. The Committee does expect federal regulations in 1980. Vote was 11-1. Rep. Edwin L. Waters for Transportation.

HB 647, revising the method of submitting motor vehicle title applications. Inexpedient to Legislate.

The Committee feels that the majority of testimony by the lending institutions and auto dealers was that this legislation is not needed at this time. The problem seems to be not enough staffing in the title bureau. Vote was 12-1. Rep. Edward J. Crotty for Transportation.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as

adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Tuesday, April 17 at 12:30 p.m.

LATE SESSION

Third reading and final passage

HB 411, relative to the loaning authority of cooperative banks, building and loan associations and savings and loan associations.

HB 412, relative to limitations on the loaning authority of cooperative banks, building and loan associations and savings and loan associations.

HB 413, relative to the loaning authority of the cooperative banks, building and loan associations and savings and loan associations.

HB 414, relative to a foreclosure under power of mortgage.

HB 415, relative to fines and service charges assessed by cooperative banks, building and loan associations and savings and loan associations.

SB 40, repealing the advertising restriction relative to a bank's authority to act as executor.

SB 88, relative to the redemption of bank shares.

HB 604, to permit certain refunds of money by state departments upon their receipt of incorrect amounts.

HB 491, requiring optometrists and ophthalmologists to report all discovered cases of bad vision to the bureau of blind services.

HB 549, relative to suspending an individual from receiving welfare assistance if property is transferred to receive welfare assistance.

HB 550, repealing the penalty for misuse of a special circumstance grant.

HB 588, relative to liability of physicians, nurses and ambulance attendants in emergency situations.

HB 597, concerning hearings conducted by the health and welfare advisory commission.

HB 598, establishing a hearings officer for the division of welfare.

HB 601, relative to certain changes in laws relating to the division of welfare.

HB 602, relative to settling of welfare disputes between the towns, counties or the state.

HB 606, relative to the restoration of rail passenger service in New Hampshire.

HB 635, relative to the mileage allowance for county business.

HB 407, to specify criteria to be used by the board of taxation in reassessments of municipalities.

HB 542, providing for the defense and indemnification of county officers and employees against certain claims.

HB 561, permitting village districts to receive monies from towns in anticipation of tax share.

HB 562, authorizing registers of deeds to send lists of conveyances for tax purposes to towns 4 times per year.

HB 577, relative to increasing the number of trustees on town boards of trustees.

HB 663, allowing minors to clean tables and glasses where liquor is served and to carry alcoholic beverages in case lots.

HB 591, relative to juror and witness fees.

UNANIMOUS CONSENT

Rep. Chase addressed the House under unanimous consent.

ENROLLED BILLS REPORT

HB 189, making certain supplemental appropriations to various agencies and relative to expenditures and duties of the sunset committee.

Sen. James Saggiotes
For the Committee

RECESS

Rep. French moved that the House adjourn.
Adopted.

HOUSE JOURNAL 25

Tuesday 17Apr79

The House met at 12:30 p.m.

Prayer was offered by guest Chaplain, Rev. Jack Wyrzten, Director of the Word of Life Ministry of Schroon Lake, New York.

Father, we thank Thee that

"Righteousness exalteth a nation: but sin is a reproach to any people" (Proverbs 14:34). Thou hast said in Thy Word, "The wicked shall be turned into hell, and all the nations that forget God" (Psalms 9:17). Thou hast also said, "If my people, which are called by my name, shall humble themselves and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven and will forgive their sin, and will heal their land" (II Chronicles 7:14).

We thank Thee today that "God so loved the world, that He gave His only begotten Son, that whosoever believeth in him should not perish, but have everlasting life" (John 3:16). Help us to apply it to our lives and to act upon it.

Thou hast told us to pray for those who have the authority over us, and so we would pray for our President, for our Governor, for his staff and for this Legislature, that thou wilt cause them to set an example to those over whom they rule. We realize that Jesus Christ is looking over their shoulder, over every decision they make. May it be made in the fear of God.

We pray for the New Hampshire Crusade that begins this Friday night in the Alosa Civic Center. We pray that many children and young people who have gone astray may be rescued during this Crusade. We pray that many husbands and wives who are on the verge of break-up may turn to the living and true God and, through God, that their marriage may yet be salvaged. Wilt thou not revive us again in the midst of these years, and to Thee we give the praise.

In Jesus' name. Amen.

Rep. Woodman led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. John Winn, Fisher, Cotton, Gerald Smith, Gordon, Close, Palmer, Aubut, Dearborn and Hunt, the day, illness.

Reps. Eisengrein, Keefe, Robinson, Morgan, Hynes, Willey, Russell, Donald Smith, Schnidtdchen, Burrows, Appel, Baker, Crotty, Rice and Chambers, the day, important business.

Reps. Lynch and Cecelia Winn, the day, illness in the family.

INTRODUCTION OF GUESTS

Peter Lebans and Frank Margraff, exchange students, guests of Rep. Crory;

Jack Dunfey, Kay Dunfey and Jean Barbour, father, aunt and guest of Rep. Dunfey; former Representative Russell Claflin of Wolfeboro, guest of the House; Farm Bureau women, guests of the House; 33 members of the 4th grade of Alton schools and their teachers, Miss Judy Coleman and Mrs. Gwyneth Brooke and parents, Mrs. Rose Chatman, Mrs. Ann Morse, Mrs. Linda Galvin and Mrs. Terry Gilmore, guests of Rep. Sanders; Mr. Richard LaBadie, former Chief of Police from Sullivan, guest of Rep. Daniel Eaton; Congressman and Reverend Walter E. Fauntroy, delegate to the U.S. Congress representing Washington, D.C., who addressed the House briefly; Lowell S. Wiecker, Senator from Connecticut, who addressed the House briefly.

SENATE MESSAGE CONCURRENCE

HB 219, relative to the hunting of game birds.

HB 142, relative to changing the calendar for zoning ordinances to allow for all hearings and public input as now but allowing more time between the time of preparation of the ballot with zoning questions and the time of voting.

HB 276, relative to health screening for all members of the general court.

ENROLLED BILLS REPORT

HB 384, requiring a school census biennially.

HB 109, increasing the appropriation for cooperative extension work.

HB 343, relative to organ donors being specified on identification cards issued by the director of motor vehicles.

Sen. Laurier Lamontagne
For the Committee

ENROLLED BILLS REPORT

HB 107, repealing the \$100,000 property holding limitation of the New Hampshire Antiquarian Society.

SB 37, relative to the registration of foreign nonprofit corporations.

Rep. George Maglaras
For the Committee

ENROLLED BILLS AMENDMENTS

SB 39, relative to the date of bank reports and the filing period.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the filing dates of certain reports required to be filed with the bank commissioner.

While the bill as introduced dealt only with bank reports, the bill as amended deals with reports by credit unions, banks, small loan companies, etc. Consequently, the title is amended to conform to the substance of the bill.

Adopted.

HB 141, relative to the importing and releasing of wild animals in the state.

Amendment

Amend section 2 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

2 Exceptions. Amend RSA 207:14-b, I as inserted by 1973, 304:2 by striking out said paragraph and inserting in place thereof the following:

This amendment is required to insert a notation as to the source of one of the sections amended by the bill.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 86, removing the deputy of any department or agency which receives federal grants-in-aid from the classified state service. (Executive Departments and Administration)

SB 100, providing for the regulation of water treatment plant operators and water distribution system personnel. (Resources, Recreation and Development)

SB 45, relative to motor vehicle identification for handicapped persons. (Transportation)

SB 74, relative to the authority to levy tolls on the eastern NH turnpike, the central NH turnpike and the NH turnpike system. (Transportation)

SB 53, authorizing the sale of beer and wine in restaurants in Errol. (Regulated Revenues)

RECESS

Rep. French offered the following:

RESOLVED, that in accordance with the list in possession of the Clerk, House Bills numbered 700 and 875 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 700, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1980 and June 30, 1981. (Tucker of Sullivan Dist. 4 - To Appropriations)

HB 875, establishing the New Hampshire legislative academy of science and technology. (Wight of Hillsborough Dist. 10 - To Legislative Administration)

Rep. French requested a quorum count.

The Speaker declared a quorum present.

VACATES

Rep. Townsend moved that the House vacate the reference of HB 832, relative to the treatment of alcoholism, to the Committee on Executive Departments and

Administration.

Adopted.

The Speaker referred HB 832 to the Committee on Health and Welfare.

Rep. French moved that the House vacate the reference of HCR 11, to apply to congress of the United States to call a convention to propose an amendment to protect the lives of the unborn, to the Committee on State-Federal Relations.

Adopted.

The Speaker referred HCR 11 to the Committee on Constitutional Revision.

Rep. Quimby moved that the House vacate the reference of HB 867, relative to the installation of urea-formaldehyde based foam insulation, to the Committee on Commerce and Consumer Affairs.

Adopted.

The Speaker referred HB 867 to the Committee on Science and Technology.

The Speaker addressed the House as follows:

At the beginning of the legislative session, this House passed a resolution authorizing that tapes be made of our actions on the floor of the New Hampshire House. The purpose of those recording tapes is to verify the official record of our proceedings -- in the short run, by providing a way to correct the Journal; and in the long run, by providing a way for the Supreme Court, or anybody before that body, to check the intent by listening to the debate of legislation before the House at that time when it was recorded.

The policy regarding the access to recording tapes is that we have always granted any member of the House or the public the right to listen to the recording tapes, and to bring a stenographer with them, if they wish to make a partial or a complete written transcription. But we have never duplicated recording tapes for anyone, nor is it permitted for those recording tapes to leave the State House until they are secured in the State Library for the purposes of the historic record for the proceedings of this House.

Part I, Article 30 of our state Constitution deals with freedom of speech, and says: "The freedom of deliberation, speech, and debate in either house of the legislature is so essential to the rights of the people that it cannot be the foundation of any action, complaint, or prosecution, in any other court or place whatsoever."

I believe that the changing of our policy regarding tapes, to make them available to the editors or writers of the Manchester Union Leader or anyone else for the purpose of running them through a so-called "magic truth machine" will have a chilling effect on the freedom of deliberation, speech and debate on the floor of this House that we are entitled to under the State Constitution.

I am advised by legal counsel that I am within the administrative rights, by both tradition and the authority granted the Speaker, to withhold the use of those tapes for their manipulation by some truth machine.

I am advised by counsel that it is

proper to make them available during the administrative day, with supervision, for people to listen to them, and it is also proper for a written transcription of those tapes to be made upon request.

Therefore, unless otherwise ordered by this House, my ruling will be to continue that the tapes will remain in the possession of the Clerk's office, under the control of the House Clerk, and that anyone, upon request, may have access to the tapes for the purpose of physically listening to them or making a partial written transcript or full transcript, under proper supervision. But the recording tapes are not available for duplication or subsection to so-called "stress tests" by the Manchester Union Leader or anyone else.

Furthermore, the Manchester Union Leader or any media and the public should understand that behind the control desk of the tape recording equipment in the gallery are jacks for the recording machines for anyone of the media to plug into if they wish to make recording of House Sessions, and will continue to be so unless otherwise ordered by the House.

The membership should also understand that the utterances in the debate and the proceedings of this House are also piped down to the Press Room on the first floor of the State House. But the Chair is distressed (and I am not using a pun) that there are some in this state that wish to intimidate others because of their disagreement, by policy or by fact, with a particular statement. And I think the sanctity of this body -- and I think the truthfulness of this body -- is understood by the public and will be judged by the people who watch us in the open gallery, as the Constitution permits and provides, and will be judged by their actions when you ask for re-election, if you so wish to ask the public to do that. That is the ruling of the Chair and it will stand unless otherwise ordered by the House.

There being no dissent, the Chair so rules.

Rep. French moved that the remarks of the Speaker be printed in the House Journal. Adopted unanimously.

The Speaker called for the Special Orders.

SB 41, relative to reserve requirements for banks. Ought to Pass with Amendment. This bill will update the banking laws of New Hampshire by making the required composition of reserves more current. Vote was 16-0. Rep. Edward J. Allgeyer for Commerce and Consumer Affairs.

Amendment

Amend RSA 390:6 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

390:6 Reserves. Every such corporation shall at all times maintain as a reserve an amount equal to at least 12 percent of the aggregate amount of its demand deposits plus an amount equal to at least 5 percent of the aggregate amount of its time and savings deposits. The form of the reserve for time

and savings deposits may be in any of the following: cash and due from banks, and/or federal funds advanced from one business day until the next, and/or obligations of the United States of America, the maturity of which shall not exceed 5 years, and/or the obligations of agencies of the United States at par value, the maturity of which shall not exceed 5 years, and/or the obligations of any federal government sponsored enterprises (as are designated by written ruling of the bank commissioner) at par value the maturity of which shall not exceed 5 years. The board of trust incorporation created under RSA 392 may vary the amount of reserve required, provided, however, that said board shall not increase the amount of reserves required for any bank to an amount in excess of that which is required by the Federal Reserve System of similar banks located in this state which are members of the Federal Reserve System. No new loan or investment shall be made by such corporation when its reserve is not in accordance with the requirements of this section.

Amendment adopted.

Ordered to third reading.

CACR 7, relating to compensation for legislators. Providing that presiding officers of both houses receive \$2,500 per year and all other members receive \$2,000 per year. Refer to Committee on Constitutional Revision for Interim Study for Report by October 1, 1979.

This has been proposed many times before, and has been turned down by the voters. Salaries were determined in 1989. There is need to look at the whole question and all its ramifications. Vote was 10-1. Rep. Joseph M. Eaton for Constitutional Revision.

Rep. Nims moved that the words, Ought to Pass, be substituted for the committee report, Refer to the Committee on Constitutional Revision for Interim Study for report by October 1, 1979, and spoke to his motion.

Reps. Morrison, Shepard and Colby spoke against the motion.

Motion lost.

Referred to the Committee on Constitutional Revision for Interim Study for report by October 1, 1979.

HB 603, relative to revaluation assistance. Ought to Pass.

Bill facilitates oversight of appraisers employed on part-time basis by municipalities or taxing districts. Vote was 13-0. Rep. John Hoar, Jr. for Executive Departments and Administration.

Ordered to third reading.

HB 545, changing the name of the division of mental health to the division of mental health and developmental services. Ought to Pass.

This bill simply changes the name of the "Division of Mental Health" to the "Division of Mental Health and Developmental Services" in order to

definitively reflect the services actually provided by the Division. There is no cost involved. Vote was 15-1. Rep. Matthew S. Epstein for Health and Welfare.

Ordered to third reading.

HR 515, relative to the establishment and operation of mobile home parks. Ought to Pass with Amendment.
This bill ought to pass with amendment. All the amendment does is to make it more clearly understood. Vote was 12-0. Rep. Roy W. Davis for Municipal and County Government.

Amendment

Amend the introductory paragraph of RSA 205-A:17, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. Be provided with at least 8,000 square feet of lot area in addition to at least 5,000 square feet for each home in common open space, exclusive of roads. Such common open space shall be accessible to all residents of the park and no lineal dimension thereof may be less than 30 feet. Such common open space may be reduced by 5 percent for each of the following facilities provided in the park:

Amendment adopted.
Ordered to third reading.

HB 530, to provide a local option for supplemental appraisal, assessment and taxation of new real estate. Inexpedient to Legislate.

The Committee feels the cost of passing this legislation will surpass the amount of money collected. It is also impractical in many other respects. Vote was 15-0. Rep. Beverly A. Gage for Municipal and County Government.

Rep. M. Arnold Wight moved that HB 530 be recommitted to the Committee on Municipal and County Government and spoke to his motion.

Rep. Mann spoke in favor of the motion. Motion adopted.

Recommitted to the Committee on Municipal and County Government.

HB 558, relative to submission of articles to voters at town meetings by use of official ballots. Ought to Pass with Amendment.

This bill, as amended, clarifies the present law so that only those articles, or questions, mandated by law may appear on the official ballot. Vote was 12-0. Rep. Roger C. King for Municipal and County Government.

Rep. Sanders moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to her motion.

Rep. Mann spoke against the motion, yielded to questions and yielded to Rep. Pepitone, who spoke against the motion.

Reps. Rod Allen and Low spoke in favor of the motion.

Rep. Mavhew spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 121 NAYS 173
YEAS 121

RELKNAP: Birch, Bordeaux, Gary Dionne, Downs, Hanson, Sabbow and Sanders.

CARROLL: Roderick Allen, Chase, Dickinson and Heath.

CHESHIRE: Baybutt, Crane, Jesse Davis, Ernst, Johnson, Kohl, Matson, Miller, Moore, Nims and Vrakatisits.

COOS: Guay, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Christy, Clark, Low, McAvoy, Rounds, Snell, Thomson and Andrew Ware.

HILLSBOROUGH: Archambault, Brack, Compagna, Craig, Donovan, Beverly Dupont, Nancv Gagnon, Granger, Sal Grasso, Hendrick, Howard Humphrey, Labombarde, Lefebvre, Levesque, Madigan, Marcoux, Mulligan, Murray, David Ramsay, Leonard Smith, Steiner, Thiheault, Eliot Ware and Emma Wheeler.

MERRIMACK: Allgeyer, Blakeney, Clements, Hill, Holliday, James Humphrey, Locke, Mitchell, O'Neill, William Roberts, Selwav, Gerald Smith and Stokes.

ROCKINGHAM: Cahill, Carpenito, Patricia Cote, Robert Day, Dunfey, Elyson, Joseph Flynn, Gibbons, Gould, Hoar, Jackson, Jones, Kane, Kashulines, Keenan, LoFranco, Lovejoy, Joseph MacDonald, Norman Myers, Nelson, Newell, Newman, Parr, Peterson, Pevear, Rogers, Scamman, Schwaner, Splaine, Svytek and Woinowski.

STRAFFORD: Burchell, Canney, Ronald Chagnon, Drew, Dianne Herchek, Joos, Dennis Ramsey, Valley, Vaughan, Allen Wilson and Winklev.

SULLIVAN: Brodeur, Cutting, D'Amante, LeBrun, Lucas and Williamson.

NAVS 173

RELKNAP: Beard, Bowler, French, Mansfield, Matheson, Morin, Nighswander and Randall.

CARROLL: Desiardins, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Daniel Eaton, Ladd, O'Connor, Proctor, Margaret Ramsay, William Riley, Scranton and Jean White.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Chappell, Bradley Haynes, Horton, George Lemire, Mavhew, Richardson and Theriault.

GRAFTON: Aldrich, Copenhaver, Crorv, Foster, Michael King, LaMott, Logan, Lowmes, Mann, McIver, Pepitone, Taffe, Walter, Ward and Wood.

HILLSBOROUGH: Ainley, Arris, Wilfrid Boisvert, Bosse, Boyer, Carswell, Corev, Corser, Catherine-Ann Dav, L. Penny Dion, Dreniak, Clyde Eaton, Peter Flvnn, Gabrielle Gagnon, Guidi, Hall, Hardy, Heald, Jamrog, Kaklamanos, Karnis, Lvons, Martel, Mazur, Milton Meyers, Morrison, Nardi, Naro, Odell, Pappas, Pastor, Perkins, Plomaritis, Podles, Polak, Proulx, Sallada, Silva, Edward Smith, Soucy, Spirou, James Sullivan, Van Loan, Wallace, Wallin, Weaver, Welch, Kenneth Wheeler, James White and M. Arnold Wight.

MERRIMACK: Bellerose, Bibbo, Rodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Daniell, Kidder, LaBranche, McLane, Paire, Randlett, Doris Riley, Stio, Stockman, Trachv, Rick Trombly, Underwood, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Benton, Blanchette, Butler, Marilvn Campbell, Collins, Connors, Roy Davis, Felch, Beverly Gage, Carl Gage, Greene, Griffin, Roger King, Kozacka, Krasker, Lavcock, Pantelakos, Parolise, Freda Smith, Stimmell, Tavitian, Tufts, Vlack, Helen Wilson, Wolfsen and Woodman.

STRAFFORD: DeNafio, Donnelly, Farnham, Gauvin, Gosselin, Charles Grassie, Maglaras, McManus, Meader, Morrisette, Pray, Preston, Sackett, Schreiber, Tripp and Whitehead.

SULLIVAN: Edmund Belak, David Campbell, Domini, Sim Gray, Spanos, Spaulding, Townsend, Tucker and Wiggins, and the motion lost.

Rep. Joseph Eaton notified the Clerk that he wished to be recorded against the motion, Inexpedient to Legislate.

Question being on the committee amendment to HB 558.

Amendment

Amend RSA 39:3-d as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

39:3-d Placement of Articles on Official Ballot. No article included in a warrant for a town meeting may be considered by placing a question on the official ballot used for election of town officers unless use of the official ballot for that article or type of article is specifically authorized or required by law. This section shall not prohibit the use of secret written ballots at any town meeting pursuant to RSA 40:4-a or 4-b.

Amend RSA 59:12-c as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

59:12-c Use of Ballot for Town Meeting Articles. No question submitted to voters at a town meeting or election pursuant to RSA 39:3-d shall be submitted by use of a question printed on the official ballot unless that form of submission is specifically authorized or required by law.

Amendment adopted.

Ordered to third reading.

HR 453, relative to legalizing the sale of fireworks. Inexpedient to Legislate.

The sale of fireworks for individual use is prohibited by statute. The Commissioner of the Department of Safety has invited attention to the great possibility of injury to persons, particularly to children, if fireworks become available for general purchase through retail outlets. Likewise, the State Fire Marshal has pointed out the dangers in the transportation, handling and storage of fireworks through retail sale. The many dangers involved would far outweigh the benefits from any funds accrued from fees for permits for retail sale of fireworks. Committee vote was 9-2. Rep. Alfred Ellyson for Public Protection and Veterans' Affairs.

Rep. Daniel Eaton moved that the words, Refer to the Committee on Ways and Means for Interim Study, be substituted for the committee report, Inexpedient to Legislate.

The Speaker ruled the motion out of order.

Rep. Daniel Eaton moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to this motion.

Rep. Benton spoke against the motion and yielded to questions.

Rep. McLane spoke against the motion.

Rep. Sackett spoke to the motion.

A division was requested.

52 members having voted in the affirmative and 203 in the negative, the motion lost.

Resolution adopted.

Rep. Corv wished to be recorded in favor of the committee report, Inexpedient to Legislate.

HB 609, requiring trucks or tractors towing low-bed trailers or transporter to have a flashing beacon at all times. Inexpedient to Legislate.

The Transportation Committee feels that most trucks and trailers have adequate clearance and flashing lights would not run at night without lights anyway.

Vote was 12-1. Rep. Edward J. Crotty for Transportation.

Rep. LaBranche yielded to questions.

Rep. Arris spoke to the committee report and yielded to questions.

Rep. Leonard Smith spoke against the committee report and yielded to questions.

Rep. Tavitian spoke in favor of the committee report.

Rep. Leonard Smith moved that HB 609 be laid upon the table.

Motion lost.

Resolution adopted.

HB 614, imposing a registration fee for sailboats 15 feet in length and over. Ought to Pass.

The Committee feels this bill is worthy of favorable consideration. It seems to be a reasonable fee and will help the Department of Safety in providing services (sailing aids, boating education). Vote was 10-3. Rep. Edwin L. Waters for Transportation.

Rep. Blakeney moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, spoke to his motion and yielded to questions.

Reps. Waters, Peterson, Maglaras and LaMott spoke against the motion.

Rep. Sanders spoke in favor of the motion.

Rep. Kenneth Smith spoke against the motion and yielded to questions.

Rep. Wallace spoke to the motion.

The previous question was moved.

Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 138 NAYS 167

YEAS 138

BELKNAP: Bordeau, Bowler, Gary Dionne, Nighswander, Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Desjardins, Dickinson and Heath.

CHESHIRE: Daniel Eaton, Ernst, Johnson, Matson, Moore, Proctor, William Riley and Scranton.

COOS: Elmer Beaulac, Brungot, Bradlev Haynes, George Lemire and York.

GRAFTON: Ira Allen, Clark, Copenhagen, Crory, Michael King, Low, Seely, Taffe and Andrew Ware.

HILLSBOROUGH: Wilfrid Boisvert, Boyer, Brack, Burkush, Carswell, Corey, Corser, Joseph Cote, Catherine-Ann Day, L. Pennv Dion, Donovan, Joseph Eaton, Nancy Gagnon, Sal Grasso, Head, Hendrick, Kaklamanos, Labombard, Lvons, Mazur, McCarthy, Milton Meyers, Pappas, Aime Paradis, Pastor, Plomaritis, Proulx, Peter Ramsey, Reidy, Edward Smith, Leonard Smith, Stahl, Steiner, Stylianos, Rock Trembley, Eliot Ware, Welch and Robert Wheeler.

MERRIMACK: Blakeney, Bodi, Carroll, Colby, Daniell, Epstein, Holliday, Locke, McLane, Mitchell, Nichols, O'Neill, Packard, Doris Riley, Selway, Stio, Stokes, Trachy, Rick Trombly and Underwood.

ROCKINGHAM: Aeschliman, Butler, Cahill, Marilyn Campbell, Collins, Roy Davis, Ellvson, Joseph Flynn, Gibbons, Gould, Greene, Hoar, Jackson, Jones, Krasker, Leslie, LoFranco, Lovejoy, Pantelakos, Pevear, Pucci, Reese, Rogers, Svtak, Vartanian, Vlack and Wolfson.

STRAFFORD: Burchell, Ronald Chagnon, Gauvin, Gosselin, Charles Grassie, Dianne Herchek, James Herchek, Pine, Dennis Ramsey, Donald Smith, Vallev, Vaughan, Whitehead and Winkley.

SULLIVAN: Brodeur, D'Amante, Domini, LeBrun, Lucas and Williamson.

NAYS 167

BELKNAP: Beard, Birch, Downs, French, Michael Hanson, Mansfield, Matheson and Morin.

CARROLL: Chase, Howard, Keller, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Crane, Jesse Davis, Ladd, O'Connor, Margaret Ramsay, Vrakatitsis and Jean White.

COOS: Bouchard, Burns, Chappell, Fortier, Guav, Porton, Mayhew, Oleson, Richardson, Theriault and Wiswell.

GRAFTON: Aldrich, Ruckman, Christy, Foster, LaMott, Logan, Lowmes, Mann, McAvoy, McIver, Pepitone, Rounds, Thomson, Walter, Ward and Wood.

HILLSBOROUGH: Ainlev, Archambault, Bosse, Yvette Chagnon, Compagna, Coutermarsh, Craig, Raymond Dupont, Clyde Eaton, Gabrielle Gagnon, Gelinas, Granger, Heald, Howard Humphrey, Jamrog, Karnis, Lefebvre, Levesque, Madigan, Martel, Morrison, Murrav, Nardi, Naro, Nemzoff-Berman, Odell, Perkins, Podles, Polak, David Ramsay, Roy, Sallada, Silva, Soucv, Spirou, Francis Sullivan, James Sullivan, Thiheault, Vachon, Van Loan, Wallace, Weaver, Emma Wheeler, Kenneth Wheeler, James J. White, M. Arnold Wight and Zajdel.

MERRIMACK: Allgeyer, Bellerose, Bibbo, Laurent Boucher, John Cate, Clements, Hill, James Humphrey, Kidder, LaBranche, Plourde, Randlett, William Roberts, Shepard, Gerald Smith, Stockman, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Renton, Blanchette, Carpenito, Patricia Cote, Felch, Flanagan, Beverly Gage, Griffin, Hartford, Kane, Kashulines, Roger King, Kozacka, Landrv, Lavcock, Joseph MacDonald, Nelson, Newell, Parolise, Parr, Peterson, Quimby, Scamman, Schwaner, Skinner, Freda Smith, Stimmell, Tavitian, Tufts, Warburton, Helen Wilson and Woinowski.

STRAFFORD: Cannev, Donnelly, Farnham, Hebert, Joos, Maglaras, Meader, Nadeau, Prav, Preston, Sackett, Schreiber, Tripp and Allen Wilson.

SULLIVAN: Cutting, Sim Grav, Spanos, Spaulding, Townsend, Tucker and Wiggins, and the motion lost.

Ordered to third reading.

COMMITTEE REPORTS (Consent Calendar)

Rep. Lyons moved that the Consent Calendar, with the relevant committee amendments, be adopted as printed in today's House Record.

HB 484 was removed at the request of Rep. Copenhagen.

Adopted.

HB 124, making an supplemental appropriation for outstanding accounts receivable in the comptroller's office. Ought to Pass with Amendment.

Committee vote of 13-0. This bill allows the comptroller to balance accounts that contained uncollectible funds from federal funds. Rep. John B. Tucker for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing the comptroller to lapse certain uncollectible accounts receivable balances.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Amounts Lapsing to General Fund.
Other provisions of the law notwithstanding, the comptroller is hereby authorized to lapse, at June 30, 1979, the uncollectible accounts receivable balances in the agency accounts hereinafter listed in the amounts indicated to the general fund:
Office of Comprehensive
Planning-Executive \$ 3,895.00
Acct. Code 25-02-103900-00 Planning Grant

Judicial-Procedure Devel. and Adm.
\$377.00
Acct. Code 10-07-109211-04 Rules
Distribution Grant

Attorney General \$ 6,031.51
Account Code 10-20-107500-04 Crime
Commission Grant

Water Resources \$36,795.64
Account Code 25-33-384400-00 Restoration
of Dams

Youth Development Center \$242.10
Account Code 10-40-577512-04 Community
Youth Services

Probation \$914.93
Account code 10-63-570400-00 Workstudy
Grant

Civil Defense \$1,046.88
Account Code 25-88-803400-00 Maintenance
Shop

Total \$49,303.06

2 Waiver of Penalties. The executive director of the department of fish and game is hereby authorized to waive the penalty assessments resulting from the special accounting period ending June 26, 1977 required by 1977, 252:9.

3 Effective Date. This act shall take effect upon its passage.

HB 287, authorizing the purchase of personal liability coverage for individuals providing care to adults residing in certified shared homes, and making an appropriation therefor. Ought to Pass.

Merely adds shared homes to the RSA 161:4 which deals with foster homes and group homes. Its passage can result in a cost savings to the Division of Welfare. Unanimous vote of Committee. Rep. John B. Tucker for Appropriations.

HB 293, relative to the appointment of members of the state commission on the status of women and providing for mileage for said members. Ought to Pass.

This bill has already passed the House and was referred to the Appropriations Committee because of the provision for payment of mileage. The bill, however, does not require an appropriation as funds for mileage will be included in the budget. Vote was 13-0. Rep. John B. Tucker for Appropriations.

HB 374, increasing the appropriation for school building aid for fiscal year 1979. Ought to Pass.

The first year of the biennium the budget figures are based on fact; the second year figures are an estimate. Therefore each biennium a separate bill is introduced to appropriate the additional amount needed in the second year. The amount this year is \$73,992.64. Unanimous vote of committee. Rep. John B. Tucker for Appropriations.

HB 627, prohibiting state payment for out-of-state travel by legislators. Inexpedient to Legislate. Unanimous vote of Committee. This bill would unduly restrict legislators in the discharge of their responsibilities. Rep. John B. Tucker for Appropriations.

SB 57, making a supplemental appropriation to the department of safety. Ought to Pass.

Unanimous vote of Committee. Supplemental funds required to continue mailing of number plates and use of registration van until July 1, 1979. Rep. John B. Tucker for Appropriations.

SB 68, making an appropriation for the governor's commission for the handicapped. Inexpedient to Legislate.

The appropriation for this bill was not included in the Governor's budget because of inadvertent error. The Committee concurs that funding for the Governor's Commission for the Handicapped should be included as a separate PAI in the operating budget and will take appropriate action to accomplish that. The vote was 15-0. Rep. John B. Tucker for Appropriations.

HB 662, relative to the attestation of deeds and mortgages. Ought to Pass.

Common sense, housekeeping bill. Vote was unanimous 13-0. Rep. Irene J. Shepard for Constitutional Revision.

HB 679, requiring the private investment of teacher contributions to the New Hampshire retirement system. Refer to Committee on Executive Departments and Administration for Interim Study.

This is the only bill in the possession of the Committee for use as a vehicle to study investment management of retirement funds. Vote was 12-0. Rep. Sara M. Townsend for Executive Departments and Administration.

HRI 2011, imposing a fine of \$100 for camping in nondesignated areas. Inexpedient to Legislate.

This bill of intent was drafted to bring to the attention of the Committee the many problems presented by illegal or unauthorized camping. The Committee recognizes the problems and felt there are already adequate laws and that these laws should be enforced. Vote was 12-0. Rep. Philip C. Heald, Jr. for Resources, Recreation and Development.

Rep. Tucker spoke to the Introduction of HB 700.

COMMITTEE REPORTS (Regular Calendar)

HB 138, relating to liability for expenses incurred in court ordered placement of children. Inexpedient to Legislate.

Relating to liability for expenses incurred in court ordered placement of children - The Committee voted Inexpedient to Legislate because they felt that because of the unknown costs and the other problems that are not spoken to in this bill, such as licensing of the facilities that the children are sent to, the different cost factors presently being changed and the overseeing of these facilities and the fact that the judicial system presently can send the children anywhere and to any state, the state would have no control over costs whatsoever. (no fiscal note attached). The committee felt that this bill really concerns itself with substantial policy issues whereas this would be beyond the jurisdiction of the committee. It is recommended that the sponsor file a House Bill of Intent to be referred to the appropriate policy committee for study. Committee vote - 18-0. Rep. John B. Tucker for Appropriations.

Rep. Bosse spoke to the committee report and yielded to questions.

Reps. Fred Murray and Scranton spoke to the committee report.

Rep. Tucker moved that HB 138 be laid upon the table.

Adopted.

HB 334, providing for cost of living salary increases for operating staff of the university system and making an appropriation therefor. Inexpedient to Legislate.

Committee vote was 16-3. Money for salary increases in various divisions of the university system are kept separate and not commingled. If amounts are not used in a particular division, that is a management-employee matter and should be settled between them and not by the legislature. In 1975 the public employee labor relations act was passed by the legislature setting up guidelines for employer-employee relations, thereby taking such matters (salary, benefits, etc.) out of the hands of the legislature. The Committee believes that salaries should be considered in total and not in a piece-meal fashion for one group in separate legislation. Rep. John B. Tucker for Appropriations.

Resolution adopted.

HB 311, relative to the conduct of lotteries and contests and the offering of prizes and gifts in connection with the sale of subdivided lands and condominiums. Inexpedient to Legislate.

This bill would deny a marketing device and technique to developers, subdividers, and owners. The Committee feels that the bill is too drastic, and that the Attorney General's Office can, with existing laws, regulate the use of promotional games. Vote was 13-0. Rep. Roger S. Wood for Commerce and Consumer Affairs.

Resolution adopted.

SB 47, providing for a 3 day hunting season for moose. Majority: Ought to Pass with Amendment. Minority (Reps. Belak and Sabbow): Inexpedient to Legislate.

MAJORITY: This bill says the Executive Director may open a three day season on moose when the herd is adequate. Committee felt this might stop some of the poaching done by Canadians. Vote was 12-7. Rep. John H. Stimmell for Fish and Game.

MINORITY: A survey taken in 1978 by New Hampshire Conservation Officers, New Hampshire Department of Biologists, United States Fish and Wildlife Biologists and United States Forest Service Biologist estimated a population of only 200 moose in New Hampshire. The "moosority" feels that this is too few moose to even consider opening a season, much less establish a framework for a season as SB 47 does. The bill makes no fiscal or ecological sense. Vote was 10-9 inexpedient and 12-7 ought to pass. "It is better for a hundred men to see a moose, than for one man to shoot it." Reps. Edmund R. Belak, Jr. and Fritz T. Sabbow for the Minority of Fish and Game.

Rep. Stimmell moved that SB 47 be laid upon the table.

Adopted.

HB 291, permitting a patient to direct the withdrawal of life-sustaining measures under certain circumstances. Ought to Pass.

In the last legislative session this bill was passed by the House and Senate, but vetoed by the Governor. This year the Committee vote was 13-3. The majority felt that the bill provided protection for patients and doctors for purely optional procedures desired by the patient during a terminal illness. Rep. Eugene S. Daniell, Jr. for Health and Welfare.

Rep. Labombarde moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to his motion.

Reps. Townsend, Sackett, Helen Wilson and Daniell spoke against the motion.

Reps. Schwaner, Granger and Wilfrid Boisvert spoke in favor of the motion.

Rep. Beard moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 47 NAYS 256
YEAS 47

BELKNAP: None.

CARROLL: Roderick Allen.

CHESHIRE: Johnson, Kohl and O'Connor.

COOS: Guay and York.

GRAFTON: Ira Allen, Low, McAvoy and Thomson.

HILLSBOROUGH: Arris, Wilfrid Boisvert, Yvette Chagnon, Compagna, Donovan, Peter Flynn, Gabrielle Gagnon, Gelinas, Granger, Sal Grasso, Healy, Jamrog, Labombarde, Levesque, Nardi, Podles, Francis Sullivan, Weaver, Emma Wheeler and Zajdel.

MERRIMACK: Bibbo, Locke, Shepard and Ernest Valliere.

ROCKINGHAM: Kashulines, McEachern, Peterson, Schwaner, Splaine and Tavitian.

STRAFFORD: Drew, Farnham, Gauvin, Gosselin and Winklev.

SULLIVAN: Brodeur and LeBrun.

NAYS 256

BELKNAP: Beard, Birch, Bordeaux, Garv Dionne, Downs, Hanson, Hildreth, Mansfield, Matheson, Morin, Nighswander, Sabbow and Sanders.

CARROLL: Chase, Desjardins, Dickinson, Heath, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Crane, Jesse Davis, Daniel Eaton, Ernst, Miller, Nims, Margaret Ramsay, William Riley, Scranton and Vrakatisis.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Chappell, Fortier, Bradlev Haynes, Horton, George Lemire, Mavhew, Oleson, Theriault and Wiswell.

GRAFTON: Aldrich, Buckman, George Cate, Christy, Clark, Copenhaver, Crory, Foster, Michael King, LaMott, Logan, Lowmes, Mann, McIver, Rounds, Seely, Taffe, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainlev, Archambault, Bosse, Brack, Burkush, Carswell, Corey, Corser, Joseph Cote, Coutermarsh, Craig, Catherine-Ann Dav, L. Pennv Dion, Drewniak, Beverly Dupont, Raymond Dupont, Joseph Eaton, Nancy Gagnon, Guidi, Hall, Hardy, Head, Heald, Hendrick, Kakkamanos, Karnis, Lamy, Lyons, Marcoux, Martel, McCarthy, McDonough, Milton Meyers, Morrison, Mulligan, Murrav, Naro, Nemzoff-Berman, Odell, Pappas, Aime Paradis, Pastor, Plomaritis, Polak, David Ramsay, Reidy, Roy, Sallada, Silva, Edward Smith, Leonard Smith, Soucy, Steiner, Stylianos, Thibeault, Rock

Tremblay, Vachon, Van Loan, Wallace, Eliot Ware, Welch, Kenneth Wheeler, Robert Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Allgever, Bellerose, Blakenev, Laurent Boucher, Carroll, John Cate, Milton Cate, Clements, Daniell, Epstein, Hill, Holliday, James Humphrey, Kidder, LaBranche, McLane, Mitchell, Nichols, O'Neill, Packard, Paire, Plourde, William Roberts, Selway, Gerald Smith, Stio, Stockman, Stokes, Trachv, Rick Trombly, Underwood, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Renton, Blanchette, William Boucher, Butler, Cahill, Carpenito, Collins, Connors, Patricia Cote, Roy Davis, Robert Day, Elyson, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Griffin, Hartford, Hoar, Jackson, Jones, Keenan, Kozacka, Krasker, Landry, Lavcock, Leslie, LoFranco, Loveioy, Joseph MacDonald, Norman Myers, Nelson, Newell, Newman, Parolise, Pevear, Pucci, Quimby, Reese, Rogers, Skinner, Freda Smith, Sytek, Tufts, Vlack, Warburton, Helen Wilson, Woinowski, Wolfsen and Woodman.

STRAFFORD: Burchell, Cannev, Ronald Chagnon, DeNafio, Donnelly, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joos, McManus, Meader, Morrisette, Nadeau, Pine, Prav, Preston, Dennis Ramsev, Sackett, Schreiber, Donald Smith, Tripp, Vallev, Vaughan and Whitehead.

SULLIVAN: Edmund Belak, Cutting, D'Amante, Domini, Sim Gray, Lucas, Spanos, Spaulding, Townsend, Tucker, Wiggins and Williamson, and the motion lost.

Ordered to third reading.

Reps. Snell and David Campbell wished to be recorded in favor of HR 291.

Rep. Parr wished to be recorded against HR 291.

HR 362, relative to certain licensing requirements concerning registered and practical nurses. Ought to Pass with Amendment.

Three parts of this bill pertain to housekeeping measures needed to make the Nurse Practice Act more easily administered. The remaining section of the bill addresses the advanced registered nurse practitioner who is eminently qualified to prescribe medications under certain conditions. Vote was 13-4. Rep. Gertrude I. Butler for Health and Welfare.

Amendment

Amend RSA 326-B:10, II as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

II. The ARNP may prescribe medications based on an assessment of signs and symptoms included in written protocols established jointly by the affiliated physicians and the ARNP from a formulary agreed upon jointly by the board of medicine and the board of nursing. The ARNP may dispense and possess such drugs under conditions specified by the board of nursing. On matters related to dispensing, the board of nursing shall

consult with the commission on pharmacy. Conditions related to this section shall be included in rules and regulations promulgated by the board of nursing and shall include procedures for monitoring of the performance of the ARNP who may work in a separate environment. The ARNP shall file with said board all data and information that may be required by the drug enforcement administration.

Amend the bill by striking out section 9 and renumbering the original sections 10, 11, 12 and 13 to read as 9, 10, 11 and 12 respectively.

Amendment adopted.

Ordered to third reading.

HB 431, relative to supplying of generic drugs by pharmacists. Refer to Committee on Health and Welfare for Interim Study.

The Committee feels that this subject requires more study. Vote was 16-0. Rep. Esther R. Nighswander for Health and Welfare.

Referred to the Committee on Health and Welfare for Interim Study.

HB 439, relative to contract grievance procedures. Inexpedient to Legislate. The present statutory discharge grievance procedure for county employees seems very fair. This bill would change the law because one case in the recent past was not resolved in the employee's interest. The public would not be best served by this bill. Committee vote was 13-7. Rep. Kenneth H. Gould for Labor, Human Resources and Rehabilitation.

Resolution adopted.

HB 546, repealing the requirement that all homeowners' insurance policies must contain workmen's compensation coverage. Inexpedient to Legislate.

It is detrimental to repeal the Workmen's Compensation inclusion in all homeowner's insurance policies written in the State when this inexpensive coverage provides necessary protection. Vote was 11-3. Rep. John E. Splaine for Labor, Human Resources and Rehabilitation.

Rep. Vlack moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Warburton spoke against the motion and yielded to questions.

Reps. Wiggins and Skinner spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 83 NAYS 238

YEAS 83

BELKNAP: Birch, Bowler, Garv Dionne, Downs, Randall and Sanders.

CARROLL: Roderick Allen and Chase.

CHESHIRE: Kohl, Ladd, Matson, Moore, O'Connor, Margaret Ramsay and Scranton.

COOS: Elmer Beaulac, Oleson, Wiswell and York.

GRAFTON: Ira Allen, Clark, Foster, Taffe and Thomson.

HILLSBOROUGH: Archambault, Wilfrid Boisvert, Craig, L. Penny Dion, Joseph Eaton, Gabrielle Gagnon, Granger, Sal Grasso, Levesque, Mazur, Edward Smith, Stylianos, James Sullivan and Kenneth Wheeler.

MERRIMACK: Blakenev, Daniell, Locke, Nichols, Packard and Trachv.

ROCKINGHAM: Benton, Butler, Cahill, Collins, Patricia Cote, Gibbons, Greene, Griffin, Jackson, Kashulines, Loveioy, Newell, Peterson, Reese, Rogers, Sytek, Tavitian, Vlack, Wolfesen and Woodman.

STRAFFORD: Burchell, Ronald Chagnon, Farnham, Dianne Herchek, James Herchek, Joos, Morrisette, Pine, Preston, Donald Smith and Vaughan.

SULLIVAN: Brodeur, David Campbell, D'Amante, Domini, Sim Grav, Lucas, Spaulding and Wiggins.

NAYS 238

BELKNAP: Beard, Bordeaux, French, Hanson, Hildreth, Mansfield, Matheson, Morin, Nighswander and Sabbow.

CARROLL: Desjardins, Dickinson, Heath, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Ravburt, Callahan, Crane, Jesse Davis, Ernst, Johnson, Miller, Nims, William Riley, Vrakatitsis and Jean White.

COOS: Bouchard, Brungot, Burns, Chappell, Fortier, Guay, Bradley Haynes, Horton, George Lemire, Mavhew and Theriault.

GRAFTON: George Gate, Christv, Copenhaver, Crory, Michael King, LaMott, Logan, Low, Lowmes, Mann, McIver, Pepitone, Rounds, Seely, Snell, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainlev, Arris, Rosse, Burkush, Carswell, Yvette Chagnon, Compagna, Corey, Corser, Joseph Cote, Catherine-Ann Day, Donovan, Drenniak, Beverly Dupont, Raymond Dupont, Peter Flvnn, Nancy Gagnon, Gelinas, Guidi, Hall, Hardy, Head, Heald, Healv, Hendrick, Howard Humphrey, Jamrog, Kalamanos, Karnis, Labombarde, Lamy, Lefebvre, Lyons, Marcoux, Martel, McCarthy, McDonough, Milton Meyers, Morrison, Mulligan, Murray, Nardi, Naro, Nemzoff-Berman, Odell, Pappas, Aime Paradis, Pastor, Perkins, Plomaritis, Podles, Polak, David Ramsay, Peter Ramsev, Riedv, Roy, Sallada, Silva, Leonard Smith, Soucv, Spirov, Stahl, Steiner, Francis Sullivan, Thibeault, Rock Tremblay, Vachon, Van Loan, Wallin, Eliot Ware, Weaver, Welch, Emma Wheeler, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Bellerose, Bibbo, Bodi, Laurent Boucher, Carroll, John Cate, Clements, Epstein, Hill, Holliday, James Humphrey, Kidder, LaBranche, McLane, Mitchell, O'Neill, Paire, Plourde, Randlett, Doris Riley, William Roberts, Selway, Gerald Smith, Stio, Stockman, Rick Trombly, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Blanchette, William Boucher, Marilyn Campbell, Carpenito, Connors, Roy Davis, Robert Day, Ellyson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gould, Hartford, Hoar, Jones, Kane, Keenan, Roger King, Kozacka, Krasker, Landry, Laycock, Leslie, LoFranco, Joseph MacDonald, McEachern, Norman Myers, Nelson, Newman, Pantelakos, Parolise, Parr, Pevear, Quimby, Schwaner, Skinner, Freda Smith, Splaine, Stickney, Stimmell, Tufts, Vartanian, Warburton, Helen Wilson and Wojnowski.

STRAFFORD: Canney, Donnelly, Drew, Gauvin, Gosselin, Charles Grassie, Hebert, Maglaras, McManus, Meader, Nadeau, Pray, Dennis Ramsey, Sackett, Schreiber, Tripp, Valley, Whitehead, Allen Wilson and Winkley.

SULLIVAN: Edmund Belak, Cutting, LeBrun, Spanos, Townsend, Tucker and Williamson, and the motion lost.

Resolution adopted.

HB 624, relative to mandatory installation of fire or smoke detectors in structures for occupation built after 1979. Ought to Pass with Amendment.

This bill is very similar to a bill in the 1977 Session which passed both Houses, but did not survive the Governor's veto. In testimony, the State Fire Marshal indicated that had the 1977 legislation been enacted into law, no less than 26 persons who died of smoke inhalation in fires in 1978, would undoubtedly be alive today. This legislation is needed all the more in view of the greatly increased use of stoves in private dwellings, and of the great number of smoke producing materials in homes and commercial type accommodations. Vote was 7-2. Rep. Maurice J. Levesque for Public Protection and Veterans' Affairs.

Amendment

Amend RSA 153:10-a, II, as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. Every hotel, boarding house or lodging house, or family hotel built or substantially altered after December 31, 1979, shall be equipped with an automatic fire warning system in each dwelling unit and in each common hallway. Such system shall include the features of automatic smoke detection or fire detection devices or both. All devices shall be approved by a nationally recognized testing laboratory.

Amendment adopted.

Ordered to third reading.

HB 670, relative to the advertising of "happy hours" by on-sale licensees. Ought to Pass with Amendment.

This would allow the on-sale licensees to advertise outside their premises and in newspapers. There would not be any prices in the ads and no billboards could be used. Committee vote was 14-2. Rep. Jean T. White for Regulated Revenues.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following: 2 Effective Date. This act shall take effect 30 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 615, increasing the agent's fee for registering boats. Ought to Pass.

The Committee feels this bill is reasonable considering the increased cost associated with the collection of registration fees. Most boats are generally registered on weekends as a convenience to boat owners. Vote was 10-3. Rep. Lorine M. Walter for Transportation.

Rep. Walter yielded to questions.

Ordered to third reading.

HB 644, providing for a refund on unused motor vehicle plates. Ought to Pass.

The Committee feels that the Motor Vehicle Division is already doing it, but HB 644 would legalize this action and entitle the public to a refund within ninety days. Vote was 10-3. Rep. Edwin L. Waters for Transportation.

Ordered to third reading.

HB 484, making an appropriation to the division of public health services of the department of health and welfare for care of hemophiliacs. Inexpedient to Legislate.

Unanimous vote of Committee. Part of the hemophiliac program is presently operated through the division of Public Health. This bill really only speaks to persons over the age of 21. Usually these persons have other resources available, such as insurance and other assistance programs through welfare. Rep. John B. Tucker for Appropriations.

Rep. Copenhagen moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Rep. Nardi spoke against the motion and yielded to questions.

Rep. Spiro spoke in favor of the motion and yielded to questions.

Rep. French spoke in favor of the motion. Motion adopted.

Question being on the substituted committee report.

Ordered to third reading.

HB 512, relative to the restriction of off-sale permits. Inexpedient to Legislate.

Committee vote was 12-2. Majority felt that raising the number of beer permits from two to six would adversely affect the operation of the small "Mom and Pop" stores causing a loss of revenue and putting many of them out of business. Rep. Kathleen W. Ward for Regulated Revenues.

Rep. McLane moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Reps. Gerald Smith, Jean White, Gelinas, Lucas, Laurent Boucher, Lyons and Ward spoke against the motion.

Reps. James Humphrey and Guay spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 87 NAYS 245

YEAS 87

BELKNAP: Birch, Michael Hanson, Hildreth, Matheson, Sabbow and Sanders.

CARROLL: Desjardins and Kenneth Smith.

CHESHIRE: Ernst, Johnson, Miller, Margaret Ramsay and William Rilev.

COOS: Fortier, Guay, George Lemire, Mayhew and Oleson.

GRAFTON: Copenhaver, Crory, Foster, LaMott, Logan, Rounds, Seelv and Andrew Ware.

HILLSBOROUGH: Archambault, Royer, Joseph Cote, Catherine-Ann Dav, Donovan, Peter Flynn, Hendrick, Howard Humphrey, Kaklamanos, Lefebvre, Milton Mevers, Morrison, Mulligan, Murray, Nardi, Pappas, Pastor, Edward Smith, Leonard Smith, Spirou, Stahl, Francis Sullivan, Rock Tremblay, Wallin, Eliot Ware and Weaver.

MERRIMACK: Bellerose, Bodi, James Humphrey, Locke, McLane, Stokes and Rick Trombly.

ROCKINGHAM: Marilyn Campbell, Collins, Connors, Joseph Flynn, Greene, Hartford, Jackson, Leslie, Norman Myers, Newman, Peterson, Pucci, Reese, Schwaner, Tavitian, Tufts and Vartanian.

STRAFFORD: Burchell, Donnelly, Charles Grassie, Lessard, Maglaras, Morrisette, Dennis Ramsey, Sackett and Whitehead.

SULLIVAN: Tucker and Williamson.

NAYS 245

BELKNAP: Beard, Bordeaux, Bowler, Gary Dionne, Downs, French, Mansfield, Morin, Nighswander and Randall.

CARROLL: Roderick Allen, Chase, Dickinson, Heath, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Baybutt, Callahan, Jesse Davis, Daniel Eaton, Kohl, Ladd, Matson, Moore, Nims, O'Connor, Scranton, Vrakatitsis and Jean White.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Chappell, Bradley Haynes, Horton, Theriault, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Christy, Clark, Michael King, Low, Lowmes, Mann, McAvoy, McIver, Pepitone, Snell, Taffe, Thomson, Walter, Ward and Wood.

HILLSBOROUGH: Ainley, Arris, Wilfrid Boisvert, Bosse, Burkush, Carswell, Yvette Chagnon, Compagna, Corev, Corser, Coutermarsh, Craig, L. Penny Dion, Drewniak, Beverly Dupont, Raymond Dupont, Clvde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancv Gagnon, Gelinas, Granger, Sal Grasso, Guidi, Hall, Harv, Head, Heald, Healy, Jamrog, Karnis, Labombarde, Lamv, Armand Lemire, Levesque, Lyons, Marcoux, Martel, Mazur, McCarthy, Naro, Nemzoff-Berman, Odell, Aime Paradis, Perkins, Plomaritis, Podles, Polak, David Ramsay, Reidv, Roy, Sallada, Silva, Soucy, Steiner, Stylianos, James Sullivan, Thibault, Vachon, Van Loan, Wallace, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Allgeyer, Blakeney, Laurent Boucher, Carroll, John Cate, Milton Cate, Clements, Daniell, Epstein, Hill, Holliday, Kidder, LaBranche, Mitchell, Nichols, O'Neill, Packard, Paire, Plourde, Randlett, Doris Rilev, William Roberts, Selway, Shepard, Gerald Smith, Stio, Stockman, Trachy, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Benton, Blanchette, William Boucher, Butler, Cahill, Carpenito, Patricia Cote, Roy Davis, Robert Day, Ellyson, Felch, Flanagan, Beverly Gage, Carl Gage, Gibbons, Gould, Griffin, Hoar, Jones, Kane, Kashulines, Keenan, Roger King, Kozacka, Krasker, Landry, Laycock, LoFranco, Lovejoy, Joseph MacDonald, McEachern, Nelson, Newell, Pantelakos, Parolise, Parr, Pevear, Quimby, Rogers, Skinner, Freda Smith, Splaine, Stickney, Stimmell, Sytek, Vlack, Warbuton, Helen Wilson, Wojnowski and Wolfson.

STRAFFORD: Canney, Ronald Chagnon, DeNafio, Farnham, Gauvin, Gosselin, Hebert, Dianne Herchek, James Herchek, Joos, McManus, Meader, Nadeau, Pine, Pray, Preston, Schreiber, Donald Smith, Tripp, Valley, Vaughan, Allen Wilson and Winklev.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, Cutting, D'Amante, Domini, Sim Gray, LeBrun, Lucas, Spanos, Spaulding, Townsend and Wiggins, and the motion lost. Resolution adopted.

RECONSIDERATION

Rep. Elmer Johnson moved that the House reconsider its action whereby it killed HB 311, relative to the conduct of lotteries and contests and the offering of prizes and gifts in connection with the sale of subdivided lands and condominiums, and spoke to his motion.

Reps. McLane and Wallin spoke in favor of the motion and yielded to questions.

Rep. Quimby spoke against the motion.

Reconsideration lost.

VACATE

Rep. William Boucher moved that the House vacate the reference of SCR 5, recognizing the outstanding performance of the New Hampshire School Volunteer Program, to the Committee on Education.

Adopted.

SUSPENSION OF RULES

Rep. Stahl moved that the rules be so far suspended as to permit consideration at the present time of SCR 5, recognizing the outstanding performance of the New Hampshire School Volunteer Program.

Adopted by the necessary two-thirds.

Rep. Stahl moved the adoption of SCR 5, recognizing the outstanding performance of the New Hampshire School Volunteer Program. (Printed SJ 3/28)

The Clerk read the resolution.

Adopted.

The Subcommittee on Resolutions and Screening having approved its introduction, the Strafford County Delegation offered the following:

HOUSE RESOLUTION NO. 19

congratulating Rep. David Pine

WHEREAS, the Harry S Truman Scholarship Foundation yearly presents the Harry S Truman Scholarship to one student of each state; and

WHEREAS, this scholarship is awarded in recognition of the recipient's outstanding academic record and devotion to service to his community; and

WHEREAS, last year's recipient of the Harry S Truman Scholarship Award was Rep. James Burchell, the Assistant House Democratic Leader; and

WHEREAS, the Harry S Truman Scholarship is an honor bestowed on only 53 students in all these United States and its territories; and

WHEREAS, our friend and colleague, Rep. David Pine (D-Durham) has demonstrated his potential for a promising career in public service through his work in this House and with the Strafford County Legislative Delegation; and

WHEREAS, Rep. David Pine has been selected by the Harry S Truman Foundation as the 1979 Harry S Truman Scholar for New Hampshire; therefore be it

RESOLVED, that the Strafford County Delegation joins the entire House of Representatives in congratulating Rep. David Pine for this honor; and he it further

RESOLVED, that a copy of this resolution be printed and signed by the Speaker of the House and duly presented to Rep. Pine.

Adopted unanimously.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion,

and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Wednesday, April 18 at 12:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 41, relative to reserve requirements for banks.

HB 603, relative to revaluation assistance.

HB 545, changing the name of the division of mental health to the division of mental health and developmental services.

HB 515, relative to the establishment and operation of mobile home parks.

HB 558, relative to submission of articles to voters at town meetings by use of official ballots.

HB 614, imposing a registration fee for sailboats 15 feet in length and over.

HB 124, authorizing the comptroller to lapse certain uncollectible accounts receivable balances.

HB 287, authorizing the purchase of personal liability coverage for individuals providing care to adults residing in certified shared homes, and making an appropriation therefor.

HB 293, relative to the appointment of members of the state commission on the status of women and providing for mileage for said members.

HB 374, increasing the appropriation for school building aid for fiscal year 1979.

HB 484, making an appropriation to the division of public health services of the department of health and welfare for care of hemophiliacs.

SB 57, making a supplemental appropriation to the department of safety.

HB 662, relative to the attestation of deeds and mortgages.

HB 291, permitting a patient to direct the withdrawal of life-sustaining measures under certain circumstances.

HB 362, relative to certain licensing requirements concerning registered and practical nurses.

HB 624, relative to mandatory installation of fire or smoke detectors in structures for occupation built after 1979.

HB 670, relative to the advertising of "happy hours" by on-sale licensees.

HB 615, increasing the agent's fee for registering boats.

HB 644, providing for a refund on unused motor vehicle plates.

RECESS

Rep. French moved that the House adjourn. Adopted.

HOUSE JOURNAL 26

Wednesday 18 Apr 79

The House met at 12:30 p.m.
Prayer was offered by the House
Chaplain, Rev. William L. Quirk.

Let us pray:

Almighty Father, we ask that You be the focus of our attention as we place our being in Your presence.

May our concern be concentrated on the good that we are directed to do for Your people to assist You in improving the quality and dignity of life.

Make us always realize with certainty that Your love for us is beyond all human understanding. Free us from anxiety and fear as we share our thoughts and express our concerns within the family of this assembly. May we use the talents and abilities that You have given us as a sure sign of Your care for us for Your greater glory. Amen.

Rep. Townsend led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Close, Gordon, Gerald Smith, Cotton, Fisher, John Winn, Hunt, Palmer, King and Aubut, the day, illness.

Reps. Burrows, Donald Smith, Morgan, Eisengrein, Keenan, Rice, Chambers, Stahl, Meader, Baker, Morin and Schmidtchen, the day, important business.

Rep. Drewniak, the day, illness in the family.

INTRODUCTION OF GUESTS

George Harris and his daughter, Faith, guests of the Pelham delegation; Meghan McManus, daughter of Rep. McManus; Anita and Carol Crane, wife and granddaughter, guests of Rep. Crane; 4th grade students and their teachers from Pine Tree School in Center Conway, guests of the House; Therese Rounds, daughter of Rep. Rounds.

INTRODUCTION OF SENATE BILLS

First, second reading and referral
SB 131, requiring each school district treasurer to pay out monies belonging to the district upon orders of the duly empowered representatives of the school board.
(Education)

SB 129, relative to the power of McIntosh College, Inc., to grant degrees.
(Education)

SB 136, making an appropriation to pay legal expenses in the Laaman and Nadeau cases. (Appropriations)

SB 56, allowing state employees who are earning benefits under the employees' retirement system of the state of New Hampshire to elect to earn benefits under Group I of the New Hampshire retirement system. (Executive Departments and Administration)

SB 85, providing for state participation in the cost of blister rust control and making an appropriation therefor.

(Resources, Recreation and Development)
SB 124, providing additional retirement allowances for teachers who retired prior to July 1, 1957. (Executive Departments and Administration)

SB 127, authorizing the sweepstakes commission to purchase insurance.
(Regulated Revenues)

SB 50, providing payment of legislative mileage for all official legislative branch travel. (Legislative Administration)

SENATE MESSAGES CONCURRENCE

HB 185, concerning waivers from participation in the school lunch program.

HB 371, allowing the postsecondary education commission to set a reasonable fee for certain transcripts.

HB 3, relative to the Connecticut River Atlantic Salmon Compact.

HB 283, relative to appointing guardians for residents of Glencliff home for the elderly.

HB 318, relative to electricians on projects supervised by the New Hampshire Department of Public Works and Highways.

CONCURRENCE WITH HOUSE AMENDMENT

SB 88, relative to the redemption of bank shares.

ENROLLED BILLS REPORT

HB 131, relative to the disposition of fines collected for making false statements in procuring fish and game licenses.

HB 142, relative to changing the calendar for zoning ordinances to allow for all hearings and public input as now but allowing more time between the time of preparation of the ballot with zoning questions and the time of voting.

HB 271, authorizing the New Hampshire society for the prevention of cruelty of animals to hold property with no limitation.

HB 276, relative to health screening for all members of the general court.

SB 40, repealing the advertising restriction relative to a bank's authority to act as executor.

Rep. George Maglaras
For the Committee

ENROLLED BILLS AMENDMENTS

HB 219, relative to the hunting of game birds.

Amendment

Amend section 2 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

2 Season for Grouse; Woodcock; Snipe.
Amend RSA 209:1 as amended by striking out said section and inserting in place thereof the following:

This amendment corrects a technical error in the citation to the section being amended by the bill.

Adopted.

HB 336, repealing the Lehanon Regional Airport Authority.

Amendment

Amend section 2 of the bill by striking out line 2 and inserting in place thereof the following:

hereby abolished and the terms of office of the members thereof are

Amend section 2 of the bill by striking out line 4 and inserting in place thereof the following:

together with all of said authority's records to the city of Lebanon are

This amendment corrects grammatical errors in section 2 of the bill.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the Consent Calendar, with the relevant committee amendments, be adopted as printed in today's House Record.

HB 305 was removed at the request of Rep. Hildreth.

HB 620 was removed at the request of Rep. Hartford.

HBs 236 and 328 were removed at the request of Rep. Jones.

HB 572 was removed at the request of Rep. Girolimon.
Adopted.

HB 199, relative to the sale of petroleum by-products by manufacturers or suppliers to retail dealers. Inexpedient to Legislate.

No demonstrated need for this bill. The only person interested in this bill was a franchised dealer who should have known the terms when he entered into the contract more specifically. Vote was 12-0. Rep. Thomas W. Hynes for Commerce and Consumer Affairs.

HB 464, creating a wage and price compliance review board and making an appropriation therefor. Inexpedient to Legislate.

This bill is an anti-inflation device, patterned on wage-price restraints. It establishes a board to oversee appropriations of governmental units, that they not exceed specified limits. The Federal Government now has voluntary wage-price guidelines, with the possibility of becoming mandatory which would pre-empt HB 464. The Committee feels at this time this type of legislation is premature. Also establishing a board requires an appropriation. Vote was 12-0. Rep. C. Dana Christy for Commerce and Consumer Affairs.

HB 552, relative to mental health insurance benefits. Ought to Pass with Amendment.

At present individuals converting to an individual medical insurance policy from a group insurance policy are not covered for mental health insurance on the individual policy though they were under the group policy. Committee vote was unanimous. Costs to the individual were

minute. This will enable insureds to maintain similar insurance to what they had under the group. The amendment was requested by the Insurance Department and clarifies that this would not be retroactive. Rep. William L. Roberts for Commerce and Consumer Affairs.

Amendment

Amend the bill by striking out all after section 3 and inserting in place thereof the following:

4 Application to Subsequently Issued Policies. This act shall only apply to individual policies issued on or after the effective date of this act.

5 Effective Date. This act shall take effect 60 days after its passage.

HB 585, relative to the real estate foreclosure law. Ought to Pass with Amendment.

This bill changes certain notice and recording requirements relative to real property foreclosure sales. The amended version should be a fair and satisfactory solution to inequities that existed heretofore. Vote was 12-0. Rep. J. Leo Appel, Jr. for Commerce and Consumer Affairs.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Service of Notice. Amend RSA 479:25, II (supp) as amended by striking out said paragraph and inserting in place thereof the following:

II. A copy of said notice shall be served upon the mortgagor or sent by registered or certified mail to his last known address or to such person as may be agreed upon in the mortgage at least 21 days before the sale. The term "mortgagor" shall include the mortgagor, a grantee of the mortgagor or the then record owner of the premises. Like notice shall be sent to any person having a lien on the premises of record, provided that the lien is recorded at least 30 days before the date of the sale in the registry of deeds for the county in which the property is situated. The notice shall be sent not less than 21 days before the sale. Such notice of sale shall be sufficient if it fully sets forth the date, time, and place of sale, the town, county, street or highway and street number, if any, of the mortgaged premises, the date of the mortgage, the volume and page of the recording of the mortgage, the location where the original mortgage instrument may be examined and the terms of the sale. Notice of the sale as served on, or mailed to the mortgagor shall include the following language: "You are hereby notified that you have a right to petition the superior court for the county in which the mortgaged premises are situated, with service upon the mortgagee, and upon such bond as the court may require, to enjoin the scheduled foreclosure sale." Failure to institute such petition and complete service upon the foreclosing party, or his agent, conducting the sale prior to sale shall thereafter bar any action or right of action of the mortgagor based on the validity of the foreclosure.

2 Foreclosures on or Prior to June 1, 1978. Foreclosure sales of property conducted pursuant to notice requirements of RSA 479:25 prior to their amendment by 1977, 401:1, made on or before June 1, 1978 shall be valid.

3 Effective Date. This act shall take effect January 1, 1980.

HB 694, ensuring the payment of witnesses in criminal cases who are subpoenaed to testify on behalf of the state whether or not they testify. Ought to Pass. Bill recommended by Attorney General's Office. Vote was 16-0. Rep. Irene J. Shepard for Constitutional Revision.

Referred to Appropriations.

HB 708, relative to the dissolution of Tenlan, Incorporated. Inexpedient to Legislate.

Private bill. There are regular channels available to accomplish the same goal. Vote was 16-0. Rep. Joseph M. Eaton for Constitutional Revision.

HB 389, relative to certain annuities in the New Hampshire retirement system and making an appropriation therefor. Ought to Pass with Amendment.

It was on unanimous agreement of the Committee that this bill ought to pass. The amendment corrects the appropriation figure. Vote was 14-0. Rep. Beatrice M. Laycock for Executive Departments and Administration.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appropriation. The sum of \$350,996 is hereby appropriated for the purposes of this act for the fiscal year ending June 30, 1980 and the sum of \$237,487 is appropriated for said purposes for the fiscal year ending June 30, 1981. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment Adopted.

Referred to Appropriations.

Rep. Meader wished to be recorded in favor of HB 389.

HB 445, relative to group I retirement provisions. Inexpedient to Legislate.

In light of study done by the Committee on other pension plans employing such a provision, it was determined that the cost was prohibitive and could put a severe financial strain on the retirement system. Vote was 13-0. Rep. Maura Carroll for Executive Departments and Administration.

HB 457, relative to the New Hampshire retirement system. Ought to Pass with Amendment.

The bill as amended provides for a study of an automatic annual cost-of-living increase for retirees. It omits the provision that the increase would go into effect automatically in 1981, provided there is a sufficient return on investment in excess of 6 per cent during the next two years. Vote was

13-0. Rep. Maura Carroll for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to a study of automatic escalating cost of living increases within the New Hampshire retirement system.

Amend the bill by striking out all after the enacting cause and inserting in place thereof the following:

1 Study. The General Court shall conduct a study relative to instituting a mechanism for automatic cost of living increases to retirees within the New Hampshire retirement system whereby the board of trustees of the system shall be authorized to grant a cost of living increase based on the consumer price index as set by the U.S. Department of Labor through its bureau of labor statistics. The General Court shall have the cooperation and technical assistance of such state agencies as may be necessary to prepare the study. The study shall be presented to the speaker of the house and president of the senate on or before January 1, 1981.

2 Duty of Board of Trustees. The board of trustees of the New Hampshire retirement system shall issue periodic reports relative to the monies earned by the system in excess of the 6 per cent assumption to the General Court to aid it in its study of whether an automatic cost of living escalator clause within the system should be provided. The report shall include records of the amount of the excess, the manner of investment of the excess and any other information requested by the General Court.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 666, allowing hearings officers to conduct the hearings in certain child support cases. Ought to Pass.

This bill pertains to child support enforcement. It establishes a hearings officer, required by federal regulation, and allows the Division of Welfare to hear complaints and resolve them. Vote was 17-1. Rep. Peter R. Selway for Health and Welfare.

HB 707, defining the word "consent" in adoption proceedings. Ought to Pass.

The purpose of this legislation, requested by the Division of Welfare, defines more explicitly the rights of adoptive parents, between the signing of the consent by the real parents and the final approval by the Court. Vote was 18-0. Rep. Fred E. Murray for Health and Welfare.

HB 746, relative to the crimes of forgery, issuing a bad check, commercial bribery and sports bribery. Ought to Pass with Amendment.

This bill equates the penalty for the so-called white collar crimes to those

of "street crimes." It also allows a prosecutor to combine several bad checks issued in a common scheme to determine grade of offense. Vote was 15-0. Rep. Daniel W. Jones for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the crimes of
issuing a bad check, commercial
bribery and sports bribery.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Issuing Bad Checks. Amend RSA 638:4, IV as inserted by 1971, 518:1 by striking out said paragraph and inserting in place thereof the following:

IV. Issuing a bad check is:

(a) A class A felony if the face amount of the check exceeds \$1,000;

(b) A class B felony if the face amount of the check exceeds \$500 but is not more than \$1,000;

(c) A misdemeanor in all other cases.

(d) Face amounts involved in the issuance of bad checks committed pursuant to one scheme or course of conduct may be aggregated in determining the grade of the offense.

2 Fraudulent Use of a Credit Card.

Amend RSA 638:5, III, as inserted by 1971, 518:1 by striking out said paragraph and inserting in place thereof the following:

III. (a) Fraudulent use of a credit card is:

(1) A class A felony if property or services are obtained which exceed the value of \$1,000;

(2) A class B felony if property or services are obtained which exceed the value of \$500 but are not more than the value of \$1,000;

(3) A misdemeanor in all other cases.

(b) The value may be determined according to the provisions of RSA 637:2, V.

3 Commercial Bribery; Technical Change. Amend RSA 638:7, I as inserted by 1971, 518:1 by striking out in line 1 the words "a misdemeanor" and inserting in place thereof the following (commercial bribery) so that said paragraph as amended shall read as follows:

I. A person is guilty of commercial bribery when, without the consent of employer or principal, contrary to the best interests of the employer or principal:

(a) He confers, offers, or agrees to confer upon the employee, agent or fiduciary of such employer or principal, any benefit with the purpose of influencing the conduct of the employee, agent or fiduciary in relation to his employer's or principal's affairs; or

(b) He, as an employee, agent or fiduciary of such employer or principal, solicits, accepts or agrees to accept any benefit from another upon an agreement or understanding that such benefit will influence his conduct in relation to his

employer's or principal's affairs: provided that this section does not apply to inducements made or accepted solely for the purpose of causing a change in employment by an employee, agent or fiduciary.

4 Commercial Bribery; Technical

Change. Amend RSA 638:7, II as inserted by 1971, 518:1 by striking out in line 1 the words "guilty of violation of this section" and inserting in place thereof the following (also guilty of commercial bribery) so that said paragraph as amended shall read as follows:

II. A person is also guilty of commercial bribery if he holds himself out to the public as being engaged in the business of making disinterested selection, appraisal or criticism of goods or services and he solicits, accepts, or agrees to accept any benefit to influence his selection, appraisal or criticism.

5 Commercial Bribery; Penalties. Amend RSA 638:7 by inserting after paragraph II the following new paragraph:

III. (a) Commercial bribery is:

(1) A class A felony if the value of the benefit referred to in paragraphs I and II is more than \$1,000;

(2) A class B felony if the value of the benefit referred to in paragraphs I and II is more than \$500, but is not more than \$1,000;

(3) A misdemeanor in all other cases.

(b) The value shall be determined according to the provisions of RSA 637:2, V.

6 Sports Bribery. Amend RSA 638:8 as inserted by 1971, 518:1 by striking out said section and inserting in place thereof the following:

638:8 Sports Bribery.

I. A person is guilty of sports bribery if:

(a) With a purpose to influence any participant or prospective participant not to give his best efforts in a publicly exhibited contest, he confers or offers or agrees to confer any benefit upon or threatens any injury to such participant or prospective participant; or

(b) With a purpose to influence an official in a publicly exhibited contest to perform his duties improperly, he confers or offers or agrees to confer any benefit upon or threatens any injury to such official; or

(c) With a purpose to influence the outcome of a publicly exhibited contest, he tampers with any person, animal or thing contrary to the rules and usages purporting to govern such a contest; or

(d) He knowingly solicits, accepts or agrees to accept any benefit, the giving of which would be criminal under subparagraph I(a) or (b).

II. (a) Sports bribery is:

(1) A class A felony if the benefit referred to in subparagraphs I (a), (b) or (d), or the value of the benefit gained or to be gained from influencing the outcome of a contest as referred to in subparagraph I (c), exceeds \$1,000 or if the injury threatened in subparagraphs I(a) or (b) is a serious bodily injury;

(2) A class B felony in all other cases.

(b) The value shall be determined according to the provisions of RSA 637:2, V.

7 Effective Date. This act shall take effect 60 days after its passage.

HB 675, relative to the department of public works and highways and municipalities. Ought to Pass with Amendment.

As amended, this bill deletes the burden relative to (1) the substitution of March 1 for the biennial report relative to the supplemental road toll. (2) deletes sections 3 and 4 as the Division of Public Works needs additional personnel, namely two qualified Bridge Inspectors included in the operating budget. Vote was 17-0. Rep. James J. White for Public Works.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:
1 Biennial Report. Amend RSA 229 by inserting after section 16 the following new section:

229:16-a Biennial Report. The commissioner shall submit a biennial report, to the public works committee of the house of representatives relative to the supplemental road toll collected pursuant to RSA 265:4-a and 265:22, I-a. The report, submitted on or before March 1 of every odd-numbered year, shall include the amount of revenue apportioned to each city, town and unincorporated place pursuant to RSA 241:15 and the manner in which the additional highway subsidy is used by each city, town and unincorporated place.

Amend the bill by striking out sections 3 and 4 and renumbering sections 5 and 6 to read as 3 and 4 respectively.

HB 686, relative to repair projects in the capital budget and approval of consultant contracts. Ought to Pass with Amendment.

This amendment simply clarifies the intent to expedite repair projects in the capital budget. It also imparts the proper language by statute reference to RSA 228:4 I-c. Vote was 16-0. Rep. James J. White for Public Works.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Implementation of Repair Projects and Approval of Consultant Contracts. Amend RSA 228:4 by inserting after paragraph I-a the following new paragraphs:

I-b. The implementation of any repair project authorized by the general court in the capital budget and requiring the consultant services for implementation shall commence within 90 days of the passage of the capital budget by the general court.

I-c. Contracts with consultants whose services are required in conjunction with the provisions of 228:4, I shall require approval of the attorney general only and shall not require approval by the governor and council.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 687, relative to capital budget procedures. Refer to Committee on Public Works for Interim Study.

The Committee recognizes the necessity of updating procedures and statutes to expedite planning, implementation and execution of Capital Budget projects as well as contract maintenance projects provided in the operating budget of the State. The Committee further recognizes the need for an in-depth analysis of current procedures, policies and statutes beyond that provided in HB 687 and, therefore, recommends interim study committee for in-depth study to report back at the beginning of the next session of the General Court. Vote was 15-1. Rep. James J. White for Public Works.

SB 10, extending the capital appropriation for the Hayes building and increasing the authorization for certain capital projects for the department of safety. Ought to Pass.

This bill provides funds for completion of projects authorized in the last capital budget. Vote was 16-0. Rep. Thomas P. Connors for Public Works.

Referred to Appropriations.

SB 103, exempting bridge postings from the administrative procedures act. Ought to Pass.

This is a housekeeping measure. It does not eliminate the responsibility of the State to post bridges but it does eliminate the requirement to hold advertised hearings. Vote was 16-0. Rep. James J. White for Public Works.

HB 627, relative to combining the functions of the state racing and state greyhound commissions into a single commission. Refer to Committee on Regulated Revenues for Interim Study.

With current legislation pending on both divisions of the industry it is inadvisable to combine the commissions at this time. Therefore, the Committee recommends the bill be sent to interim study for later consideration. Vote was 13-0. Rep. Sky M. Lucas for Regulated Revenues.

HB 470, relative to the definition of vending facility for purposes of the blind services program. Ought to Pass with Amendment.

The Committee feels that the substantial amount of revenue that can be realized from the concessions at Franconia Notch, Mount Washington and Mount Sunapee State Parks should be returned to the General Fund. Vote was 16-0. Rep. Philip C. Heald, Jr. for Resources, Recreation and Development.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the vending facilities of the blind services

Amend RSA 186-B10, IV as inserted by section one of the bill by striking out same and inserting in place thereof the following:

IV. "Vending facility" means a vending machine, cafeteria, snack bar, cart service, shelter, counter or any other facility for the vending of newspapers, periodicals, confections, tobacco products, foods and or beverages, whether dispensed automatically or manually and prepared on or off the property.

Amend the bill by striking out all after section one and inserting in place thereof the following:

2 Vending facilities. Amend RSA 186-B:13, VI as inserted by 1975, 260:1 by striking out said paragraph and inserting in place thereof the following:

VI. This section shall not apply to the following state parks: Franconia Notch state park, Mount Sunapee state park and Mount Washington state park; nor shall it apply to any state property which operates its own vending facility unless the person in control of the maintenance, operation and protection of such property requests blind services to operate such facility.

3 Effective Date. This act shall take effect 60 days after its passage.

Referred to Appropriations.

HB 623, relative to ending New Hampshire's participation in the council of state governments. Inexpedient to Legislate.

The Committee felt that its affiliation with the Council of State Governments is a very informative service to both the Legislature and to State Agencies. The vote Inexpedient to Legislate was 8-0. Rep. Marshall French for State-Federal Relations.

HB 646, relative to the New Hampshire state prison participating in the national interstate corrections compact. Ought to Pass.

The Committee received no testimony opposing this bill. A compact of this type has been passed in 35 states already. Vote was 8-0. Rep. David J. Farnham for State-Federal Relations.

HR 15, urging the United States Congress to pass legislation creating an Energy Corporation of the Northeast. Inexpedient to Legislate.

This resolution calls for the support of a Federal Act which would require the State to fund on the basis of \$1.00 per capita or approximately \$890,000 and the Committee felt that the expense was too great for the benefits which might be derived. Vote was 8-0. Rep. Marshall French for State-Federal Relations.

HB 633, relative to the superintendents of Laconia state school and New Hampshire hospital. Ought to Pass with Amendment.

Amendment only changes one word "one" to "two" for those nominated for appointment and adds Glencliff Home for the Elderly. Vote was 12-0. Rep. Gloria M. Randlett for State Institutions.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the superintendents of Laconia state school, Glencliff home for the elderly and New Hampshire Hospital.

Amend RSA 126-A:30 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

126-A:30 Laconia State School;

Superintendent. The director of the division of mental health, after consultation with the advisory commission and the commissioner of health and welfare, shall nominate 2 or more persons duly qualified through training or experience to serve as superintendent of the Laconia state school and training center. From those nominated, the governor and council shall appoint a superintendent who shall serve for a term of 4 years and until his successor is appointed and qualified. Any vacancy shall be filled for the full 4 year term in the same manner as the original appointment. The superintendent shall be responsible for the administrative and executive direction of the Laconia state school and training center. The provisions of RSA 21:33-a shall not apply to appointments made under this section.

Amend RSA 135:3 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

2 Superintendent; New Hampshire

Hospital. Amend RSA 135:3 as amended by striking out said section and inserting in place thereof the following:

135:3 Superintendent. The director of the division of mental health, after consultation with the advisory commission and the commissioner of health and welfare, shall nominate 2 or more persons duly qualified through training or experience to serve as superintendent of the New Hampshire hospital. From those nominated, the governor and council shall appoint a superintendent who shall serve for a term of 4 years and until his successor is appointed and qualified. Any vacancy shall be filled for the full 4 year term in the same manner as the original appointment. The superintendent shall be responsible for the administrative and executive direction of the New Hampshire hospital. The provisions of RSA 21:33-a shall not apply to appointments made under this section.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Administration of Glencliff Home.

Amend RSA 138-A:3 (supp) as inserted by 1970, 4:1, as amended, by striking out said section and inserting in place thereof the following:

138-A:3 Administration. The director of the division of mental health within the department of health and welfare shall be a corporation, known as director, Glencliff home for the elderly with power to sue upon any contract to which it is by law authorized to be a party and to manage and control the property and concerns of the

Glenclyff home for the elderly. The director of the division of mental health, after consultation with the advisory commission and the commissioner of health and welfare, shall nominate 2 or more persons duly qualified through training or experience to serve as superintendent of the Glenclyff home for the elderly. From those nominated, the governor and council shall appoint a superintendent who shall serve for a term of 4 years and until his successor is appointed and qualified. Any vacancy shall be filled for the full 4 year term in the same manner as the original appointment. The superintendent shall be responsible for the administrative and executive direction of the Glenclyff home for the elderly. The provisions of RSA 21:33-a shall not apply to appointments made under this section. The director of the division of mental health shall also, in accordance with the state personnel regulations, and within the limits of available appropriations and funds, appoint such assistants as he may, from time to time, deem necessary or proper; take and hold in trust for the state any grant, devise, bequest or donation of property for the use of the Glenclyff home for the elderly for the maintenance or help of any resident or residents therein; and adopt, with the approval of the commissioner of health and welfare, such bylaws and rules pursuant to RSA 541-A, as he may deem necessary or proper for the management of the business affairs and the government of the Glenclyff home for the elderly. The commissioner of health and welfare, as authorized by RSA 126-A:2, may carry out such transfers as are necessary to implement the foregoing provisions.

4 Effective Date. Sections 1 and 3 of this act shall take effect July 1, 1983. Section 2 of this act shall take effect July 1, 1979.

HB 634, relative to unit directors at the New Hampshire hospital. Ought to Pass. This bill allows the Superintendent of the New Hampshire Hospital to appoint qualified non-medical personnel as unit directors. The Committee feels that this is a good idea to allow non-medical personnel to fill these administrative positions. Vote was 13-0. Rep. Guy R. Granger, Jr. for State Institutions.

HB 636, relative to placement of persons in need of supervision in group homes. Inexpedient to Legislate.

Committee felt legislation not needed at this time. Vote was 13-0. Rep. Donald K. Howard for State Institutions.

HB 753, requiring the forfeiture of all accumulated good conduct time for inmates who escape from custody. Ought to Pass. This bill revokes a prisoner's good conduct time when he escapes from custody and allows the Warden to restore it at his discretion. Vote was 13-0. Rep. James A. Hardy for State Institutions.

HB 659, relative to the control of junkyards on the interstate and federal-aid primary highway systems. Ought to Pass.

This bill changes the law from certain junkyards to include all junkyards established under state law. Just compensation will be paid for removal, relocation or disposal of any junkyard on the interstate and federal-aid primary highway system. Vote was 13-0. Rep. W. Murray Clark for Transportation.

HB 703, relative to number plates used by dealers and manufacturers of motor vehicles, trailers, semi-trailers and tractors. Inexpedient to Legislate.

The Committee, after deliberation, concludes that HB 703 should be inexpedient to legislate. The Committee feels that if the bill is passed, an additional cost would be passed on to the consumer. This bill would be unenforceable. Vote was 12-1. Rep. Lorine M. Walter for Transportation.

HB 739, authorizing the commissioner of public works and highways to prohibit the transporting of hazardous cargo. Ought to Pass.

The Committee agrees that HB 739 is a housekeeping bill and voted ought to pass. This bill gives the Commissioner of Public Works and Highways the power to prohibit hazardous cargo on certain highways when a safety issue is involved. Vote was 12-1. Rep. Edwin L. Waters for Transportation.

RECESS

Rep. French requested a quorum count. The Speaker declared a quorum present.

COMMITTEE REPORTS (Regular Calendar)

HB 661, providing for the local regulation of excavations. Ought to Pass with Amendment.

Bill provides local control over gravel and related operations by establishing a permit and hearing process. Amendment provides that procedures must be timely. Vote was 18-0. Rep. Robert Mayhew for Environment and Agriculture.

Amendment

Amend RSA 155-D:1, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. "Earth" means sand, gravel, rock, soil or construction aggregate.

Amend RSA 155-D:1, III, as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

III. "Regulator" means

(a) The planning board of a city or town, or if a town at an annual or special meeting duly warned for the purpose so provided, the selectmen of the town; or

(b) If there is no planning board, the selectmen of the town or the legislative body of the city; or

(c) The county commissioners if the land area is in an unincorporated place.

Amend RSA 155-D:3 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

155-D:3 Application for Permit. Any owner or owner's designee subject to this chapter shall, prior to excavation of his land, apply to the regulator in each city or town involved for a permit for excavation. If the area subject to this chapter is situated in an unincorporated place application shall be made to the county commissioners. The applicant shall also send a copy of the application to the conservation commission, if any, of the city or town. Such application shall be signed and dated by the applicant and shall contain at least the following information:

Amend RSA 155-D:7 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

155-D:7 Hearing. Prior to the regulator approving an application for an excavation permit or an application for an amended excavation permit, a public hearing shall be held within 30 days on such application. A notice of said hearing shall be sent to all abutters and shall specify the grounds for the hearing as well as the date, time and place and at least 14 days' notice of the time and place of such hearing shall be published in a paper of general circulation in the city, town or unincorporated place wherein the proposed excavation is to be located and a legal notice thereof shall also be posted in at least 3 public places in such city, town or unincorporated place; the 14 days shall not include the day of publication nor the day of the meeting, but shall include any Saturdays, Sundays and legal holidays within said period. Within 20 days of said hearing or any continuation thereof, the regulator shall render a decision approving or disapproving the application, giving reasons for disapproval.

Amendment adopted.

Rep. Williamson offered an amendment.

Amendment

Amend RSA 155-D:1, III (a) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(a) The planning board of a city or town, or if a town at an annual or special meeting duly warned for the purpose so provides, the selectmen of the town or the board of adjustment; or

The Clerk read the amendment.

Rep. Williamson spoke to his amendment.

Rep. Corser spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HR 272, relative to the transfer of prison guards at county jails and houses of correction from group I to group II of the New Hampshire retirement system. Ought to Pass.

The Committee was in unanimous agreement that the County Correctional Guards should be in Group II Retirement. After much testimony and research it was the agreement of the Committee that they should have been transferred to Group II

at the same time that the State Prison Guards were. Vote was 13-0. Rep. Beatrice M. Lavcock for Executive Departments and Administration.

Rep. Townsend spoke to the committee report.

Rep. Carroll yielded to questions.

Ordered to third reading.

SUSPENSION OF RULES

Rep. French moved that the rules be so far suspended as to permit consideration of HB 301, relative to retirement of probate judges due to constitutional age limitation; HB 349, increasing the mandatory retirement age for group II members of the New Hampshire retirement system from 65 to 70; HB 380, providing full credit to group I members of the New Hampshire retirement system for all service rendered after July 1, 1979; HB 478, relative to teacher members of group I of the New Hampshire retirement system; HB 479, relative to group I members in the New Hampshire retirement system; HB 480, relative to teacher members of group I of the New Hampshire retirement system and HB 481, transferring liquor investigators from group I and group II of the New Hampshire retirement system and making an appropriation therefor, at the present time, the Committee on Executive Departments and Administration having reported after the deadline.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS (cont.)

HB 301, relative to retirement of probate judges due to constitutional age limitation. Ought to Pass with Amendment.

The bill places the probate judges on the same retirement system as all other judges. Twenty years at 3/4 pension beginning in 1981. Vote was 11-5. Rep. Michael A. Collins for Executive Departments and Administration.

Amendment

Amend RSA 547:19-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

547:19-b Retirement Due to Constitutional Age Limitation. Any judge of probate who retires from active regular service due to the provisions of RSA 493:2, relative to the constitutional age limitation, before January 1, 1981, after having served in such capacity for at least 7 years, or on January 1, 1981 or thereafter, having served in such capacity for at least 20 years; shall receive thereafter and until his death a salary equal to 3/4 of the currently effective annual salary of the office from which he is retired, payable in the same manner that salaries of judges of probate are paid. Such payments shall be a charge against the biennial appropriations for the probate court, and shall be included by the comptroller in his requests for appropriations. Retirement payments as provided herein shall be in lieu of any rights or benefits under the New Hampshire

retirement system to which such judge would otherwise be entitled. Any judge of probate who is a member of the state employees' retirement system or the New Hampshire retirement system may terminate his membership therein and upon termination any accumulated contributions shall be paid over to him on written request. No judge of probate whose membership is not so terminated shall be eligible for payments under this section.

Amendment adopted.

Ordered to third reading.

HB 349, increasing the mandatory retirement age for group II members of the New Hampshire retirement system from 65 to 70. Inexpedient to Legislate.

Committee feels that this matter can be better handled by Senate Bill 69 which deals with mandatory retirement. Vote was 13-0. Rep. Mary E. Whitehead for Executive Departments and Administration.

Rep. Carroll moved that HB 349 be laid upon the table.

Adopted.

HB 380, providing full credit to group I members of the New Hampshire retirement system for all service rendered after July 1, 1979. Ought to Pass.

The Committee felt this bill corrected an inequity in past legislation. Vote was 11-2. Rep. Maura Carroll for Executive Departments and Administration.

Referred to Appropriations.

HB 478, relative to teacher members of group I of the New Hampshire retirement system. Inexpedient to Legislate.

This is just splinter legislation on the part of the teachers to change the retirement system to their own benefits. Rep. Robert W. Dearborn for Executive Departments and Administration.

Resolution adopted.

HB 479, relative to group I members in the New Hampshire retirement system. Inexpedient to Legislate.

The bill as written includes only teacher members of Group I. The Committee felt that since municipalities are able to raise salaries and increase other benefits while the State has no control over such, that these municipalities should maintain fiscal responsibility over the effect these increases have on the retirement system. Vote was 14-0. Rep. Maura Carroll for Executive Departments and Administration.

Resolution adopted.

HB 480, relative to teacher members of group I of the New Hampshire retirement system. Inexpedient to Legislate.

As the retirement Subcommittee of Executive Departments and Administration is considering all retirement legislation to update it to our present

needs it was felt this bill should not go forward at this time. Vote was 14-0. Rep. Robert W. Dearborn for Executive Departments and Administration.

Resolution adopted.

HB 481, transferring liquor investigators from group I to group II of the New Hampshire retirement system and making an appropriation therefor. Majority: Inexpedient to Legislate. Minority (Reps. Ramsey and Vrakatisis): Ought to Pass.

MAJORITY: The Committee felt that this group of employees does not belong in Group II of the retirement system. Although there may be some hazards involved in their duties at times but they are not police officers. They investigate relative to liquor laws. They do not have police powers. Vote was 11-5. Rep. Maura Carroll for Executive Departments and Administration.

MINORITY: The minority of the Committee feels that there is clear evidence of hazard in the liquor inspectors line of duty. This is reason enough to vote in favor of this bill, HB 481. Reps. Peter E. Ramsey and Zoe Vrakatisis for Minority of Executive Departments and Administration.

Rep. Vrakatisis moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to her motion.

Rep. Carroll spoke against the motion and yielded to questions.

Reps. Peter Ramsey, Lawton and Spirou spoke in favor of the motion and yielded to questions.

Rep. Nemzoff-Berman spoke against the motion and yielded to questions.

Reps. Hanson, Ward and Tucker spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 34 NAYS 239

YEAS 34

BELKNAP: Hildreth, Lawton and Sanders.

CARROLL: Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Kohl, Proctor and Vrakatisis.

COOS: None.

GRAFTON: Rounds.

HILLSBOROUGH: Burkush, Coutermarsh, Catherine-Ann Day, Hardv, Jamrog, Milton Meyers, Odell, Proulx, Peter Ramsey, Reidy, Spirou, Francis Sullivan, Thiheault, James J. White and Zajdel.

MERRIMACK: James Humphrev, Trachv and Underwood.

ROCKINGHAM: Bisbee, Blanchette and Joseph Flynn.

STRAFFORD: Dennis Ramsey.

SULLIVAN: Brodeur, D'Amante and Spanos.

NAYS 239

BELKNAP: Beard, Birch, Bordeau, Bowler, Gary Dionne, Downs, French, Hanson, Mansfield, Matheson and Randall.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson, Heath, Keller and Towle.

CHESHIRE: Baybutt, Crane, Jesse Davis, Daniel Eaton, Ernst, Ladd, Miller, Moore, O'Connor, Margaret Ramsay, William Riley, Scranton and Jean White.

COOS: Brungot, Chappell, Fortier, Bradley Haynes, Horton, Oleson, Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Christy, Clark, Copenhaver, Dearborn, Michael King, Logan, Low, Lownes, Mann, McAvoy, McIver, Pepitone, Snell, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Ainley, Archambault, Arris, Bosse, Brack, Carswell, Yvette Chagnon, Compagna, Corey, Joseph Cote, L. Pennv Dion, Dolbec, Donovan, Beverly Dupont, Clyde Eaton, Joseph Eaton, Peter Flynn, Gabrielle Gagnon, Girolimon, Granger, Sal Grasso, Guidi, Head, Heald, Hendrick, Howard Humphrey, Keefe, Lefebvre, Lyons, Madigan, Marcoux, Martineau, Mazur, McLaughlin, Morrison, Nardi, Naro, Nemzoff-Berman, Pappas, Aime Paradis, Peter Parady, Pastor, Perkins, Plomaritis, Podles, Polak, David Ramsay, Paul Riley, Roy, Sallada, Silva, Edward Smith, Leonard Smith, Steiner, Stylianos, James Sullivan, Rock Tremblay, Vachon, Van Loan, Wallace, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Bellerose, Bibbo, Blakeney, Laurent Boucher, Carroll, John Cate, Milton Cate, Colby, Epstein, Kidder, LaBranche, Locke, Mitchell, Nichols, O'Neill, Paire, Randlett, Rice, Doris Riley, Selwav, Stockman, Stokes, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Blake, William Boucher, Marilyn Campbell, Carpenito, Collins, Connors, Patricia Cote, Roy Davis, Robert Day, Dunfee, Ellyson, Felch, Flanagan, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Hartford, Jackson, Jones, Kane, Kashulines, Kozacka, Landry, Laycock, Leslie, Lovejoy, McEachern, Norman Myers, Nelson, Newell, Parolise, Parr, Peterson, Pevear, Quimby, Reese, Rogers, Scamman, Schwaner, Skinner, Freda Smith, Stimmell, Sytek, Vartanian, Vlack, Warburton, Helen Wilson, Wojnowski, Wolfsen and Woodman.

STRAFFORD: Burchell, Canney, Demers, DeNafio, Donnelly, Drew, Farnham, Gauvin, Gosselin, Hebert, Dianne Herchek, Joos, Lessard, McManus, Nadeau, Pray, Preston, Sackett, Schreiber, Donald Smith, Tripp, Valley, Vaughan and Whitehead.

SULLIVAN: David Campbell, Cutting, Sim Gray, LeBrun, Lucas, Townsend, Tucker, Wiggins and Williamson, and the motion lost. Resolution adopted.

HR 578, relative to retirement credit under the New Hampshire retirement system for certain members of the Manchester police department. Inexpedient to Legislate. This bill will cost the City of Manchester thousands of dollars to up the retirement of their police and there has not been any acknowledgement that they will be able to meet this commitment. Rep. Robert W. Dearborn for Executive Departments and Administration.

Resolution adopted.

HB 626, relative to public ethics and making an appropriation therefor. Ought to Pass.

This bill would require that all State elected officials and unclassified employees receiving a salary of more than \$15,000 per year file a statement disclosing their financial interests and those of their spouses.

A seven member Commission, including four legislators, is created to investigate written complaints of conflict of interest. Commission members cannot serve for more than five years and during their terms cannot participate in or contribute to political activities except that legislative members may run for office. Violations are punishable by fines up to \$1,000 for each violation and an additional sum equal to three times the financial gain resulting from such violations.

The Committee vote was seven in favor and four against. Rep. Edna Pearl F. Parr for Legislative Administration.

Rep. Schwaner moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to her motion.

Rep. Trachy spoke against the motion and yielded to questions.

Rep. Sanders spoke in favor of the motion.

Rep. Parr requested a quorum count.

The Speaker declared a quorum present.

Reps. Bosse and James J. White spoke against the motion and yielded to questions.

Reps. Williamson, Newman and Walter spoke in favor of the motion.

Rep. Ward spoke against the motion.

Rep. Parr spoke in favor of the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 195 NAYS 120

YEAS 195

BELKNAP: Birch, Bordeau, Downs, French, Hildreth, Lawton, Mansfield, Matheson, Randall, Sabbow and Sanders.

CARROLL: Chase, Desjardins, Dickinson, Howard, Keller and Towle.

CHESHIRE: Baybutt, Callahan, Daniel Eaton, Ernst, Ladd, Matson, Moore, Margaret Ramsay and Scranton.

COOS: Elmer Beaulac, Brungot, Fortier, Guay, Horton, George Lemire, Oleson, Richardson, Theriault, Willey, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Christy, Dearborn, Michael King, Low, Lownes, McAvoy, Snell, Thomson, Walter and Andrew Ware.

HILLSBOROUGH: Ainley, Archambault, Wilfrid Boisvert, Brack, Burkush, Yvette Chagnon, Compagna, Coutermarsh, Craig, Dolbec, Donovan, Raymond Dupont, Peter Flynn, Gabrielle Gagnon, Girolimon, Sal Grasso, Guidi, Hardy, Head, Heald, Hendrick, Howard Humphrey, Lahombarde, Lefebvre, Levesque, Madigan, Marcoux, Martineau, Mazur, McLaughlin, Milton Meyers, Murray, Nardi, Naro, Odell, Pappas, Peter Parady, Pastor, Perkins, Plomaritis, Podles, Polak, Proulx, Peter Ramsey, Reidy, Paul Riley, Rov, Sallada, Silva, Soucy, Spirou, Steiner, Francis Sullivan, James Sullivan, Thibeault, Van Loan, Eliot Ware, Weaver, Welch, Emma Wheeler, Robert Wheeler and Zajdel.

MERRIMACK: Bellerose, Bibbo, Laurent Boucher, Clements, Colby, James Humphrey, Kidder, LaBranche, Locke, Mitchell, Nichols, Paire, Doris Riley, William Roberts, Selway, Gerald Smith, Stio, Underwood, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Bisbee, Blake, Blanchette, Butler, Marilyn Campbell, Carpenito, Connors, Patricia Cote, Ellyson, Joseph Flynn, Gibbons, Greene, Griffin, Hartford, Jones, Kashulines, Leslie, LoFranco, Lovejoy, McEachern, Norman Myers, Nelson, Newell, Newman, Pantelakos, Parr, Pevear, Reese, Scamman, Schwaner, Skinner, Freda Smith, Stickney, Stimmell, Sytek, Tavitian, Tufts, Vlack and Wolfson.

STRAFFORD: Canney, Ronald Chagnon, Demers, Donnelly, Drew, Gosselin, Hebert, Dianne Herche, Nadeau, Preston, Dennis Ramsey, Tripp and Vaughan.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, Cutting, Sim Gray, LeBrun, Spanos, Wiggins and Williamson.

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BELKNAP: Beard, Bowler, Gary Dionne and Hanson.

CARROLL: Roderick Allen, Heath, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Crane, Jesse Davis, Kohl, Miller, Nims, O'Connor, Proctor, William Riley, Vrakatisis and Jean White.

COOS: Bouchard, Burns, Chappell, Bradley Haynes, Mavhew and Alcide Valliere.

GRAFTON: Clark, Mann, McIver, Pepitone and Ward.

HILLSBOROUGH: Arris, Bosse, Bover, Carswell, Corey, Catherine-Ann Day, L. Penny Dion, Beverly Dupont, Joseph Eaton, Nancy Gagnon, Gelinas, Granger, Hall, Thomas Hynes, Jamrog, Kalamanos, Keefe, Lyons, McDonough, Morrison, Nemzoff-Berman, Aime Paradis, David Ramsay, Edward Smith, Leonard Smith, Stylianos, Rock Tremblay, Kenneth Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Allgeyer, Avles, Blakeney, Bodi, Carroll, John Cate, Daniell, Epstein, Hill, Holliday, McLane, O'Neill, Packard, Randlett, Rice, Stockman, Stokes, Trachy and Ernest Valliere.

ROCKINGHAM: William Boucher, Collins, Roy Davis, Dunfey, Felch, Flanagan, Beverly Gage, Carl Gage, Gould, Jackson, Kane, Kozacka, Lavcock, Joseph MacDonald, Parolise, Peterson, Pucci, Rogers, Vartanian, Warburton and Helen Wilson.

STRAFFORD: Burchell, DeNafio, Farnham, Gauvin, Joos, Lessard, McManus, Morrisette, Pine, Pray, Robinson, Sackett, Schreiber, Donald Smith, Valley and Allen Wilson.

SULLIVAN: D'Amante, Lucas, Spaulding, Townsend and Tucker, and the motion was adopted.

Question being on the substituted committee report, Inexpedient to Legislate. Resolution adopted.

HB 361, relative to prohibiting the public utilities commission from superseding local zoning ordinances resulting in possible injury to the residents. Ought to Pass.

The majority of the Municipal and County Government Committee can see no harm in passage of this bill - neither can it see any benefit to the municipalities which may be concerned with this legislation. Vote was 10-6. Rep. Beverly A. Gage for Municipal and County Government.

Rep. Peter Parady yielded to questions. Ordered to third reading.

HB 506, relative to running and harness horse racing. Ought to Pass with Amendment. Section 1 of the bill reduces the tax on win, place and show pari-mutuel pools of running horse racing tracks from 8 per cent to 5 per cent. This bill will bring New Hampshire in line with the State of Massachusetts, as well as other states. The relief for the harness horse racing should save the harness industry in the State of New Hampshire. The loss of revenue incurred should be offset by the increase in estimate revenues by HB 245. Vote was 10-0. Rep. Kathleen W. Ward for Regulated Revenues.

Amendment

Amend RSA 284:23, II (a) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following: II. (a) Each person, association or corporation licensed to conduct a harness

horse race or harness horse race meet under this chapter shall pay to the state treasurer a tax of one percent on all total contributions in a calendar day on win, place and show pari-mutuel pools and a tax of 2 percent on all total contributions to all other pari-mutuel pools in a calendar day on the first \$100,000 of such pari-mutuel pools; and a tax of 4 percent on all total contributions in a calendar day on win, place and show pari-mutuel pools and 8 percent on all total contributions on all other pari-mutuel pools for the next \$150,000; and a tax of 5 1/2 percent on all total contributions in a calendar day on win, place and show pari-mutuel pools and 8 percent on all total contributions on all other pari-mutuel pools in a calendar day in excess of \$250,000.

Amendment adopted.

Referred to the Committee on Ways and Means.

HB 745, relative to commissions on pari-mutuel wagering pools, and taxes thereon. Ought to Pass with Amendment.

HB 745 increases the commission on pari-mutuel pools at dog tracks to 19 per cent to correspond with the commission on such pools at harness tracks. This increase of one per cent to the track will be used to increase the amount paid in purses and advertising. Better purses are needed to bring in better dogs to the track. HB 745 provides for additional commission of six per cent for a total of 25 per cent on pari-mutuel pools other than win, place and show pools, to correspond to a 25 per cent commission on such pools all horse tracks, both running and harness. At this time two per cent would go to the track and four per cent to the State. When the Ways and Means Committee reviews this bill, it will have complete figures to recommend any changes in these percentages based on head to head competition with the State of Massachusetts. Each one per cent equals an estimated \$750,000. HB 745 also calls for a separate computation of pari-mutuel pool totals for each dog racing program run during the same day. From the evidence presented to the Committee it would appear that the dog tracks would increase the number of programs during the track season. This bill leaves in effect the tax credit now in effect under RSA 284:23, if the pari-mutuel pool is less than \$100,000 for any programs at a dog race. This section is needed by the smaller dog tracks. At this time, HB 745 would net the State an estimated two million dollars. Rep. Kathleen W. Ward for Regulated Revenues.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Commissions on Pari-Mutuel Pools at Dog Meets. Amend RSA 284:22 IV as amended by striking out said paragraph and inserting in place thereof the following:

IV. The commission on all win, place and show pari-mutuel pools at tracks or race meets at which dog races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be uniform throughout the state at the rate of 25 percent of each dollar wagered in such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage" shall be retained by the licensee, and the balance of such breakage shall be paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2. Each licensee shall pay the tax provided for in RSA 284:23.

2 Basis for Computation of Tax. Amend RSA 284:23 II-a and III as amended by striking out said paragraphs and inserting in place thereof the following:

II-a. Each person, association or corporation licensed to conduct a dog race or a dog race meet under this chapter shall pay to the state treasurer a sum equal to 6 percent of so much of the total contributions to all pari-mutuel pools conducted or made at any dog race or dog race meet licensed hereunder as does not exceed \$100,000, 7 percent of so much thereof as exceeds \$100,000 but does not exceed \$200,000, 9 percent of so much thereof as exceeds \$200,000 but does not exceed \$300,000, and 10 percent of all such contributions exceeding \$300,000. In addition to said sums, a licensee shall pay to the state treasurer a sum equal to 4 percent of the total contributions to all such pari-mutuel pools other than win, place and show pari-mutuel pools. Of the amounts so paid to the state treasurer, a sum equal to 1/8 of one percent of said total contributions shall be expended for the promotion of agriculture in the state and 1/8 of one percent of said total contributions shall be expended for physical improvements at agricultural fairs, under the direction of the commissioner of agriculture, and the balance shall be distributed in accordance with the provisions of RSA 284:2.

III. The term "total contributions to all pari-mutuel pools" as used in paragraph II shall be construed to mean the total of such contributions for one day. The term "total contributions to all pari-mutuel pools" as used in paragraph II-a shall be construed to mean the total of such contributions for each racing program and where more than one racing program is conducted on the same day, the computation of total contributions to such pari-mutuel pools shall be made separately for each program for the purpose of computing the tax under paragraph II-a.

3 Tax Credit. Amend RSA 284:23, V (supp) as inserted by 1977, 134:1 by striking out said paragraph and inserting in place thereof the following:

V. Notwithstanding RSA 284:23 to the contrary, if the pari-mutuel pool is less than \$100,000 for any program at a dog race or dog race meet, the licensee shall be credited \$175 for each official completed race within that program, said credit to be applied to the tax due as computed under RSA 284:23, II-a; provided, however, that no licensee shall pay a tax less than \$500 for any program.

4 Repeal. 1977, 134:2, relative to the repeal of RSA 284:23, V is hereby repealed.

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to the Committee on Ways and Means.

HB 451, relative to greyhound and harness racing pari-mutuel betting. Ought to Pass.

The Committee feels that this law which is slated to expire June 30, 1979 should remain in effect to help the race tracks keep operating and keep the revenue from racing at the present or above the present level. Vote was 14-0. Rep. George F. Lemire for Regulated Revenues.

Rep. Ward spoke to the committee report.

Rep. Lawton moved that HB 451 be laid upon the table.

Adopted.

HB 461, relative to the sale of wine.

Refer to Committee on Regulated Revenues for Interim Study for report on January 1, 1980.

This bill is a major policy change in the state's operation and needs in-depth study and analysis before the Committee can recommend action by the Legislature. Vote was 13-1. Rep. Kathleen W. Ward for Regulated Revenues.

Referred to the Committee on Regulated Revenues for Interim Study.

HB 697, relative to prohibiting the sale of beverages with any alcoholic content to minors. Inexpedient to Legislate.

It was felt by the Committee that the present law now in effect, "one per cent or more of", covers the needs of the State of New Hampshire. Vote was 10-1. Rep. Joseph C. Flynn for Regulated Revenues.

Resolution adopted.

HB 267, requiring permission before connecting a self-dialing telephone alarm system to a telephone. Ought to Pass with Amendment.

The Committee unanimously believes this legislation, as amended, addresses the problems associated with self-dialing telephone alarm systems. Vote was 9-0. Rep. Edward F. Smith for Science and Technology.

Amendment

Amend RSA 370-A:1, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

T. "Governmental agency" means any state, county, city, town, village, district, organized fire mutual aid system dispatch or municipal agency, authority, department or other public instrumentality thereof.

Amend RSA 370-A:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

370-A:2 Prohibited Use; Written Permission Required. No person shall have a self-dialing telephone alarm system connected to his telephone which automatically calls a governmental agency unless that agency grants written permission to that person prior to installation of such alarm system in compliance with regulations and guidelines promulgated by the department of safety pursuant to RSA 541-A.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Any person having a self-dialing telephone alarm system connected to his telephone and programmed to call a governmental agency shall within 15 days after the effective date of this act either disconnect such alarm system or obtain written permission pursuant to RSA 370-A:2 to continue to have the alarm system connected to his telephone.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HR 7, relative to tax credits for utilizing wood burning or solar devices for conservation of fossil fuels and oil. Ought to Pass.

The Committee felt that this resolution is excellent and also that any incentive to utilize alternative energy such as wood burning and solar energy is worthy of commendation. The Committee also congratulates the Committee on Science and Technology for presenting such a proposal. Vote was 8-0. Rep. Marshall French for State-Federal Relations.

Rep. Quimby yielded to questions. Committee report adopted.

HR 8, relative to the designation of portions of the White Mountain National Forest as wilderness. Inexpedient to Legislate.

The Majority of the Committee felt that from the testimony given, the resolution was neither necessary nor supported by any planning or environmental groups in the north country. Some members of the Committee, however, wished to express their disapproval that the legislative planning process was not informed when changes in land designation within the State was decided. Vote was 6-2. Rep. Marshall French for State-Federal Relations.

Committee report adopted.

HB 532, relative to issuing New Hampshire birth certificates to foreign-born children adopted in this state. Majority: Ought to Pass. Minority (Reps. Hartford,

Eaton, Lovejoy, Podles and Cote):
Inexpedient to Legislate.

MAJORITY: This bill requires the registrar of Vital Statistics to issue a New Hampshire birth certificate for foreign born children upon request and receipt of the adoption report. In addition, the Department of Welfare appeared in support of the bill and reported that the number of foreign adopted children is steadily increasing in this state. At this time, 30 states have adopted a similar law and several more are presently considering this important consideration. Vote was 9-5. Rep. Harold L. Rice for the Majority of Statutory Revision.

MINORITY: House Bill 532 is unnecessary and is opposed by the Bureau of Vital Statistics. The Bureau of Vital Statistics registers facts regarding New Hampshire births, deaths and marriages. Births, deaths and marriages taking place outside New Hampshire are registered where they occur. The Bureau of Immigration and Naturalization Service issues birth certification for alien children who have been adopted by United States citizens and requests may be obtained from any Immigration and Naturalization Service. Certification can be issued in the new name of an adopted or legitimated child when satisfactory proof of adoption or legitimation has been furnished. Reps. Margaret M. Hartford, Clyde S. Eaton, Virginia K. Lovejoy, Eleanor P. Podles and Joseph L. Cote for the Minority of Statutory Revision.

Rep. Podles moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass, and spoke to her motion.

Reps. Rice and Helen Wilson spoke against the motion and yielded to questions.

Reps. Lovejoy, Hartford and Clyde Eaton spoke in favor of the motion.

Reps. Dennis Ramsey, Vaughan, Skinner, Peter Flynn and Newman spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YFAS 80 NAYS 207
YEAS 80

BELKNAP: Sabbow.

CARROLL: Keller and Towle.

CHESHIRE: Callahan, Kohl, Matson and Scranton.

COOS: Chappell, Theriault and Alcide Valliere.

GRAFTON: Ira Allen, Buckman, Christy, Clark, Low, Lowmes, Snell, Thomson, Walter and Andrew Ware.

HILLSBOROUGH: Coutermarsh, Beverly Dupont, Clyde Eaton, Gabrielle Gagnon, Gelinas, Hendrick, Jamrog, Labombarde, Levesque, Madigan, Martineau, Mazur, McLaughlin,

Odell, Aime Paradis, Peter Parady, Perkins, Podles, Polak, Paul Riley, Sallada, Leonard Smith, Steiner, Stylianos, Francis Sullivan, Eliot Ware, Weaver, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Laurent Boucher, Clements, Kidder, Locke, Randlett, Doris Riley and Wiviott.

ROCKINGHAM: Bishee, Marilyn Campbell, Connors, Robert Day, Ellyson, Gibbons, Gould, Greene, Hartford, Hoar, Laycock, Lovejoy, Nelson, Newell, Pantelakos, Parolise, Parr, Schwaner, Tavitian, Vlack and Warburton.

STRAFFORD: Hebert and Whitehead.

SULLIVAN: Cutting.

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BELKNAP: Beard, Birch, Bordeaux, Bowler, Gary Dionne, Downs, French, Hildreth, Matheson and Sanders.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson, Heath, Howard, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Crane, Jesse Davis, Daniel Eaton, Ladd, Miller, Moore, Nims, O'Connor, Proctor, Margaret Ramsay, Vrakatis and Jean White.

COOS: Brungot, Burns, Fortier, Bradley Haynes, Horton, Mayhew, Willey, Wiswell and York.

GRAFTON: George Cate, Copenhagen, Dearborn, LaMott, Logan, Mann, McAvoy, McIver and Ward.

HILLSBOROUGH: Ainley, Archambault, Arris, Bosse, Boyer, Brack, Burkush, Carswell, Yvette Chagnon, Compagna, Corey, Corser, Joseph Cote, Craig, Catherine-Ann Day, L. Penn Dion, Dolbec, Raymond Dupont, Joseph Eaton, Peter Flynn, Nancy Gagnon, Girolimon, Sal Grasso, Guidi, Hall, Hardy, Head, Heald, Howard Humphrey, Thomas Hynes, Keefe, Lyons, Marcoux, Milton Meyers, Morrison, Mulligan, Nardi, Naro, Nemzoff-Berman, Pappas, Pastor, Plomaritis, David Ramsay, Reidy, Silva, Edward Smith, Soucy, Thibeault, Rock Tremblay, Vachon, Van Loan, Wallace, Wallin, Welch, Robert Wheeler, James J. White, M. Arnold Wight and Zaidel.

MERRIMACK: Allgeyer, Ayles, Bellerose, Bibbo, Blakeney, Carroll, John Cate, Daniell, Epstein, Will, Holliday, LaBranche, McLane, Mitchell, O'Neill, Paire, Rice, William Roberts, Selway, Stio, Stockman, Stokes, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Benton, Blake, Blanchette, William Boucher, Butler, Collins, Patricia Cote, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Jackson, Jones, Kane, Kashulines, Kozacka, Krasker, Landry, Leslie, LoFranco, Joseph MacDonald, McEachern, Norman Myers, Newman, Peterson, Pevear, Pucci, Quimby, Reese, Rogers, Scamman, Skinner, Freda Smith, Splaine, Stickney, Stimmell, Sytek, Tufts, Vartanian and Helen Wilson.

STRAFFORD: Canney, Ronald Chagnon, Demers, DeNafio, Donnelly, Drew, Farnham, Gauvin, Gosselin, Dianne Herchek, Joos, Morrisette, Nadeau, Pray, Preston, Dennis Ramsey, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Vallev, Vaughan and Allen Wilson.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, D'Amante, Sim Grav, LeBrun, Lucas, Spanos, Townsend, Tucker, Wiggins and Williamson, and the motion lost.

Rep. Rice offered an amendment.

Amendment

Amend RSA 126:13-a, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. The registrar of vital statistics shall establish a New Hampshire certificate of birth for a person born in a foreign country and for whom a final decree of adoption has been issued by a court of competent jurisdiction in New Hampshire. This certificate of birth shall be issued when he receives a request from the adoptive parents or adopted person over 18 for such a certificate and a report of the adoption as provided in RSA 170-B:18.

Amend RSA 126:13-a, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. The birth certificate established under this section shall not be deemed a record within the meaning of RSA 170-B:19.

The Clerk read the amendment.

Rep. Rice spoke to his amendment and yielded to questions.

Rep. Hartford spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 236, relative to landlord and tenant relations. Ought to Pass with Amendment. This bill is needed because of the abuse of a landlord to his tenants in evicting the person without giving proper notice. This also applies to property including mobile homes or space in mobile homes. Vote was 12-0. Rep. Thomas W. Hynes for Commerce and Consumer Affairs.

Amendment

Amend RSA 540-A:3 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

540-A:3 Certain Specific Acts Prohibited.

I. No landlord shall wilfully cause, directly or indirectly, the interruption or termination of any utility service being supplied to the tenant including, but not limited to water, heat, light, electricity, gas, telephone, sewerage, elevator or refrigeration, whether or not the utility service is under the control of the landlord, except for such temporary interruption as may be necessary while actual repairs are in process or during temporary emergencies.

II. No landlord shall seize, hold or otherwise directly or indirectly, deny a tenant access to and possession of such tenant's rented or leased premises, other than through proper judicial process.

III. No landlord shall seize, hold, or otherwise directly deny a tenant access to and possession of such tenant's property, other than by proper judicial process.

IV. No landlord shall enter into the premises of the tenant without notice or prior consent, other than to make emergency repairs.

V. No tenant shall refuse the landlord access to the premises to make necessary repairs at a reasonable time after notice which is adequate under the circumstances.

VI. No tenant shall maliciously and wilfully damage the property of the landlord.

Amendment adopted.

Rep. Jones moved that the words, Inexpedient to Legislate be substituted for the committee report, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Reps. Blanchette, Pucci, Hynes, Parr and Oumby spoke against the motion.

Motion lost.

Ordered to third reading.

HB 328, relative to establishing minimum standards for the use and occupancy of rental property. Ought to Pass with Amendment.

This bill establishes minimum living standards. Vote was 12-0. Rep. Thomas W. Hynes for Commerce and Consumer Affairs.

Amendment

Amend RSA 48-A:14 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

48-A:14 Minimum Standards Established. No landlord renting a dwelling to a tenant shall maintain those rented premises in a condition in which:

I. The premises are infested by insects and rodents where the landlord is not conducting periodic inspection and eradication program;

II. There is defective internal plumbing or backup of sewage caused by a faulty septic or sewage system;

III. There are exposed wires, improper connectors, defective switches or outlets, or other conditions which create a danger of electrical shock or fire;

IV. The roof or walls leak consistently;

V. The plaster is falling or has fallen from the walls or ceilings;

VI. The floors, walls or ceilings contain substantial holes that seriously reduce their function or render them dangerous to the inhabitants;

VII. The porches, stairs or railings are dangerous;

VIII. There is an accumulation of garbage or rubbish in common areas resulting from the failure of the landlord to remove or provide a sufficient number of receptacles for storage prior to removal unless the tenant has agreed to be responsible for removal under the rental

agreement and the landlord has removed all garbage at the beginning of the tenancy;

IX. There is an inadequate supply of water or whatever equipment that is available to heat water is not properly operating;

X. There are leaks in any gas lines or leaks or defective pilot lights in any appliances furnished by the landlord;

XI. The premises do not have heating facilities that are properly installed, safely maintained and in good working condition, or are not capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature of at least an average of 65 degrees F; or, when the landlord supplies heat in consideration for the rent, the premises are not actually maintained at a minimum average room temperature of 65 degrees F. in all habitable rooms.

Amend RSA 48-A:15 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

48-A:15 Tenant's Remedy. If a condition listed in RSA 48-A:14 exists and can be remedied by reasonable repairs, the tenant shall notify the landlord by a written, witnessed statement describing the condition to be remedied. If the landlord fails to commence corrective action within 14 days after being notified by the tenant, or as promptly as conditions require in an emergency, the tenant may cause the work to be done in a workman-like manner and, after submitting an itemized statement to the landlord, deduct the actual and reasonable costs or the fair and reasonable value of the work from the rental payment; provided that the total of such payments shall not exceed the equivalent of one month's rent in any 12 month period.

Amendment adopted.

Rep. Low moved that the words, Refer to the Committee on Commerce and Consumer Affairs for Interim Study, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Hynes, Pucci, and Quimby spoke against the motion.

Reps. Hanson and Walter spoke to the motion.

Rep. Low spoke a second time in favor of his motion.

Motion lost.

Ordered to third reading.

HB 620, relative to bank closings.
Ought to Pass.

This bill is needed to take care of banks that close on days of the biennial election. This bill would require banks to stay open. Vote was 12-0. Rep. Thomas W. Hynes for Commerce and Consumer Affairs.

Rep. Burns yielded to questions.

Ordered to third reading.

HB 305, increasing the fee for initial number plates from \$5 to \$10. Inexpedient to Legislate.

The ruling now that county plates will be applied for as vanity plates will expand the income for driver education.

Therefore, the Committee feels that increasing the fees for initial license plates is not necessary. Presently, there are 65,000 passenger vehicles with initial plates. This number (65,000) is expected to go beyond 100,000 initial plates. The Transportation Committee feels that this number is adequate enough for the present time. Vote was 12-1. Rep. Elmer H. York for Transportation.

Rep. James J. White moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

(Rep. French in the Chair)

Rep. York spoke against the motion and yielded to questions.

Reps. Peterson, Rod Allen, Griffin and LaMott spoke against the motion.

The previous question was moved.

Sufficiently seconded. Adopted.

Motion lost.

Resolution adopted.

HB 572, regulating motor vehicle and motorcycle sound emission levels.
Inexpedient to Legislate.

Testimony was given that testing could not be accurate in windy or inclement weather. Further, vehicles when purchased new were manufactured to the standards of the Federal Government. This bill applies to any replacement and any modifications. It is also anticipated that the Environmental Protection Agency will adopt standards with a model act should also be considered at a later date. Vote was 13-0. Rep. Roger E. Wallace for Transportation.

Resolution adopted.

HB 76, relative to state laws requiring additional expenditures by local communities. Inexpedient to Legislate.

Committee felt this bill extends veto power over the very authority under which municipalities exist. Vote was 3-1. Rep. Anthony Pepitone for Special Committee on Mandated Programs and Fiscal Notes.

Resolution adopted.

HB 356, requiring a fiscal impact note on legislation having a fiscal impact on a municipality or a county. Ought to Pass with Amendment.

This bill will forecast any adverse economic impact on state, county, city and/or town government before acted upon by the Legislature. A fiscal impact note must be attached to any bill that would impact revenues, appropriations or valuation. Rep. Conrad L. Quimby for Special Committee on Mandated Programs and Fiscal Notes.

Amendment

Amend the bill by striking out all after

the enacting clause and inserting in place thereof the following:

1 Fiscal Note Required. Amend RSA 14 by inserting after section 43 the following new subdivision:

Fiscal Notes

14:44 Fiscal Note Required. All bills and resolutions having an effect on the revenues, expenditures or fiscal liability of the state or a city or town or county, excepting appropriations for capital improvements, shall be accompanied by a fiscal statement which sets forth the estimated fiscal impact thereof.

14:45 Definition. In this subdivision, "bill with a fiscal impact" means any bill or joint resolution introduced into either house of the general court:

I. Which would require the state or a city or town or county to appropriate or expend funds or both; or

II. Which would have the effect of changing the taxable valuation of a city or town or county by creating, expanding, increasing or reducing tax exemptions; or

III. Which would otherwise have the effect of changing the revenues of the state or a city or town or county.

14:46 Preparation of Fiscal Notes.

I. Fiscal impact notes shall be prepared by the legislative budget assistant with such assistance and data as he may require from any state agency or political subdivision.

II. Fiscal impact notes shall be prepared in accordance with the format developed by the legislative budget assistant.

III. The fiscal impact note shall include:

(a) An estimate of the anticipated impact of the bill on state or city or town or county fiscal liability or revenues, including any change in taxable valuation; and

(b) Whether or not there is a federal mandate for a proposed program.

IV. The fiscal note for any bill with a fiscal impact shall be prepared and incorporated prior to the introduction of the bill or resolution.

V. A fiscal note may be requested after the introduction of a bill or resolution:

(a) If a majority of a committee to which is referred a bill or resolution not containing a fiscal note votes to have one prepared by the legislative budget assistant upon the motion of a member of said committee.

(b) If by a majority vote of those members present, a bill or resolution being considered on the floor of the house or senate is referred to the legislative budget assistant for the purpose of preparing a fiscal note. In such instances, the fiscal note shall be printed and distributed as are amendments to bills.

14:47 Amendments. The fiscal note shall accompany the bill throughout its course of passage through the general court and to the governor for action and shall be amended as necessary to correct errors or to agree with substantive amendments to the bill.

2 Duty of the Legislative Budget Assistant. Amend RSA 14:31 by inserting

after paragraph VII the following new paragraph:

VIII. FISCAL NOTES. The legislative budget assistant shall prepare fiscal notes and amendments thereto as required by RSA 14:44 through 14:47.

3 Effective Date. This act shall take effect September 1, 1979.

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

requiring a fiscal impact note on legislation having a fiscal impact on the state or a municipality or a county.

Amendment adopted.

Rep. Quimby explained the committee report and yielded to questions.

Ordered to third reading.

(Speaker in the Chair)

HB 364, relative to effective dates for laws which have a municipal fiscal impact. Ought to Pass with Amendment.

This bill will give communities an opportunity to defer the effective date of a bill having a fiscal impact exceeding 1 per cent until the particular city, town, independent school district or precinct has adopted its budget. Rep. Jean R. Wallin for Special Committee on Mandated Programs and Fiscal Notes.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to effective dates for laws which have a local fiscal impact.

Amend RSA 21:42, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The officers of any city, town, independent school district or precinct are hereby authorized to defer, by appropriate action, the effective date of any law having a local fiscal impact until adoption of the unit's budget for the fiscal year next following passage of the law. In this paragraph, "law having a fiscal impact" means any law which affects a city, town, independent school district or precinct by:

(a) Requiring the appropriation or expenditure of funds in excess of one percent of the prior year's property tax commitment for that unit, exclusive of debt service and taxes raised for other political subdivisions;

(b) Causing a decrease in revenues in excess of one percent of the prior year's property tax commitment for that unit, exclusive of debt service and taxes raised for other political subdivisions; or

(c) Causing a decrease in the taxable valuation by creating, expanding or incurring tax exemptions in excess of one

percent of the prior year's exempt valuation.

Amendment adopted.
Ordered to third reading.

HB 477, limiting capital improvement expenditures in a municipality to no more than one per cent except upon referendum approval in the municipality. Inexpedient to Legislate.

The Committee voted Inexpedient to Legislate because this bill was introduced to address a local situation, yet it would have statewide effect on all communities, large or small. Additionally, the bill was poorly drafted. Vote was 4-0. Rep. Carl W. Gage, II for Special Committee on Mandated Programs and Fiscal Notes.

Resolution adopted.

The Speaker thanked the Special Committee on State-Mandated Programs and Fiscal Notes for its diligent work.

Their introduction having been approved by the Committee on Rules, Rep. French offered the following resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 876 and House Bills of Intent 2027 and 2028 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HBs AND HBIs First, second reading and referral

HR 876, allowing the Moultonborough school district to be a supervisory union. (Smith of Carroll Dist. 3; Sen. Conley of Dist. 3 - To Education)

HBI 2027, relative to persons who receive unemployment compensation benefits through fraud. (Morin of Belknap Dist. 5 - To Labor, Human Resources and Rehabilitation)

HBI 2028, granting a special tax freeze privilege to the elderly. (Wallace of Hillsborough Dist. 22; Lyons of Hillsborough Dist. 13 - To Municipal and County Government)

VACATE

Rep. Tavitian moved that the House vacate the reference to HR 873, relative to the judgments for attorneys' fees and judgments rendered against the state pursuant to RSA 99-D, to the Committee on Transportation.

Adopted.

The Speaker referred HB 873 to the Committee on Judiciary.

SUSPENSION OF RULES

Rep. Bosse moved that the rules be so far suspended so as to permit the Committee on Judiciary to hold a public hearing on HB 873, relative to the judgments for attorneys' fees and judgments rendered against the state pursuant to RSA 99-D,

without the required two-day notice in the Calendar.

Adopted by the necessary two-thirds.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Thursday, April 19 at 12:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 216, relative to landlord and tenant relations.

HB 328, relative to establishing minimum standards for the use and occupancy of rental property.

HB 552, relative to mental health insurance benefits.

HB 585, relative to the real estate foreclosure law.

HB 620, relative to bank closings.

HB 457, relative to a study of automatic escalating cost of living increases within the New Hampshire retirement system.

HB 666, allowing hearings officers to conduct the hearings in certain child support cases.

HR 707, defining the word "consent" in adoption proceedings.

HB 346, relative to the crimes of issuing a bad check, commercial bribery and sports bribery.

HB 675, relative to the department of public works and highways and municipalities.

HR 686, relative to repair projects in the capital budget and approval of consultant contracts.

SB 103, exempting bridge postings from the administrative procedures act.

HB 646, relative to the New Hampshire state prison participating in the national interstate corrections compact.

HB 633, relative to the superintendents of Laconia state school, Glencliff home for the elderly and New Hampshire hospital.

HB 634, relative to unit directors at the New Hampshire hospital.

HR 753, requiring the forfeiture of all accumulated good conduct time for inmates who escape from custody.

HB 659, relative to the control of junkyards on the interstate and federal-aid primary highway systems.

HR 739, authorizing the commissioner of public works and highways to prohibit the transporting of hazardous cargo.

HB 661, providing for the local regulation of excavations.

HB 772, relative to the transfer of prison guards at county jails and houses of correction from group I to group II of the New Hampshire retirement system.

HB 301, relative to retirement of probate judges due to constitutional age limitation.

HR 361, relative to prohibiting the

public utilities commission from superseding local zoning ordinances resulting in possible injury to the residents.

HB 267, requiring permission before connecting a self-dialing telephone alarm system to a telephone.

HB 532, relative to issuing New Hampshire birth certificates to foreign-born children adopted in this state.

HB 356, requiring a fiscal impact note on legislation having a fiscal impact on the state or a municipality or a county.

HB 364, relative to effective dates for laws which have a local fiscal impact.

RECESS

Rep. French moved that the House adjourn.
Adopted.

HOUSE JOURNAL 27

Thursday 19Apr79

The House met at 12:30 p.m.

Prayer was offered by the House Chaplain, Rev. William L. Quirk.

Let us pray:

Our Father in Heaven, You are the creator of all things.

We thank You for showing Your love to us through the signs and wonders of Nature around us.

May You continue to touch us with Your presence, accept our limitations, and make us always aware of Your continual help in our lives and work. Amen.

Rep. Helen Wilson led the Pledge of Allegiance.

UNANIMOUS CONSENT

Rep. Helen Wilson addressed the House under unanimous consent.

LEAVES OF ABSENCE

Reps. Gordon, Gerald Smith, Cotton, Fisher, John Winn, Aubut, Hunt, Lamy and Lynch, the day, illness.

Reps. Meader, Cahill, Chambers, Eisengrein, Morgan, Russell, Burrows, Clyde Eaton, Van Loan, Appel, Norman Myers, Brack, Jesse Davis, Baker, Griffin and Rice, the day, important business.

INTRODUCTION OF GUESTS

46 students from Auburn, guests of Rep. Helen Wilson; Anne Healy, wife, and daughter Ann, and granddaughters, Sharyn, Kathleen and Maureen Neville, guests of Rep. Daniel Healy; Mrs. Robert Knight, sister of Rep. Hill.

Rep. French offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 877 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 877, making appropriations for capital improvements. (White of Hillsborough Dist. 27; Bibbo of Merrimack Dist. 2; Archambault of Hillsborough Dist. 8; Keller of Carroll Dist. 5 - To Public Works)

COMMITTEE REPORTS

(Consent Calendar)

Rep. French moved that the Consent Calendar, with the relevant committee

amendments, be adopted as printed in today's House Record.

HB 744 was removed at the request of Rep. Peter Flynn.

HB 722 was removed at the request of Rep. Rod Allen.

HB 643 was removed at the request of Rep. Williamson.

HB 849 was removed at the request of Rep. Schwaner.

HBs 671, 779 and 642 were removed at the request of Rep. Blakeney.
Adopted.

HB 539, relative to defenses to possessory actions. Inexpedient to Legislate.

Vote was 12-0 on Inexpedient to Legislate. As sponsor requested bill be withdrawn since other legislation already covers items in this bill. Rep. William L. Roberts for Commerce and Consumer Affairs.

HB 681, requiring full disclosure of facts known by a real estate salesman or broker to the potential buyer. Refer to the Committee on Commerce and Consumer Affairs for Interim Study.

The sponsor and the Committee want to do a little more study on HB 681. Vote was 12-0. Rep. Catherine G. Lamy for Commerce and Consumer Affairs.

HB 846, increasing the bonding authority of the New Hampshire housing finance agency and increasing the number of members of said agency. Ought to Pass with Amendment.

This bill increases the bonding power of the New Hampshire Housing Finance Agency. This has been an excellent program to assist the elderly and low income residents of New Hampshire. Vote was 12-2. Rep. Edward J. Allgever for Commerce and Consumer Affairs.

Amendment

Amend RSA 204-B:3 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

204-B:3 Organization of Agency. The powers of the agency shall be vested in 9 members to be appointed by the governor with the advice and consent of the council. The members who are initially appointed shall be designated to serve terms of one, 2, 3, 4 and 5 years, respectively, from the date of their appointment, but thereafter members shall be appointed as aforesaid for a term of 5 years except that all vacancies shall be filled for the unexpired term. A member shall hold office until his successor has been appointed and qualified. No person who is a member of the New Hampshire housing commission may serve on the agency. Two members of the agency shall be persons having experience in residential mortgage banking; one member shall be a person having experience in the construction of single family real estate; one member shall be a person having experience in the construction of multi-family real estate; one member shall be a person having experience as a real estate broker; 3 members shall be members of the general public; and at least one member shall be a person representing the general public who is neither a banker

nor real estate broker nor builder. The members shall elect annually from among their number a chairman and vice-chairman, and such other officers as they may determine. Meetings shall be held at the call of the chairman, executive director or whenever 5 members so request. Five members of the agency shall constitute a quorum, and the affirmative vote of 5 members shall be necessary for any action taken by the agency. No member of the agency shall serve on any other state board, commission, or in any other state agency during his or her term of office as a member of the housing finance agency. No vacancy in the membership of the agency shall impair the right of a quorum to exercise all the rights and perform all the duties of the agency. Members shall receive no salary for the performance of their duties hereunder, but each member shall be reimbursed for his reasonable expenses incurred in carrying out his duties under this chapter.

HB 569, relative to the burden of proof in personnel commission appeal hearings. Inexpedient to Legislate.

The Committee learned that New Hampshire case law covered this matter in part and other legislation also addresses the subject. Vote was 12-0. Rep. Louisa K. Woodman for Executive Departments and Administration.

HB 665, relative to licensing for facilities housing mentally disabled or developmentally disabled persons. Inexpedient to Legislate.

It was a unanimous feeling of the Committee that the contents of this bill is covered in HB 240 being heard in Health and Welfare Committee. Both Subcommittees met and felt it would best be covered by the other bill. Only one chapter was different and will be incorporated into HB 240. Vote was 11-0. Rep. Beatrice M. Laycock for Executive Departments and Administration.

HB 216, creating the criminal offense of evading pursuit by a law enforcement officer. Ought to Pass with Amendment.

HB 216 brings the penalty in line with the offense and establishes guidelines as to who may use a blue light. Committee vote was unanimous 13-0. Rep. Daniel A. Eaton for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

creating the criminal offense of evading pursuit by a law enforcement officer and relative to the use of emergency lights on vehicles.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Crime of Disobeying an Officer.

Amend RSA 262:26 as amended by striking

out said section and inserting in place thereof the following:

262:26 Disobeying an Officer.

I. No person, while operating or in charge of a vehicle, shall:

(a) Refuse, when requested by a law enforcement officer, to give his name and address and the name and address of the owner of such vehicle;

(b) Give a false name or address;

(c) Purposely neglect to stop when signaled to stop by any law enforcement officer who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment, or who signals such person to stop by means of any authorized audible or visual emergency warning signals;

(d) Refuse, on demand of such officer, to sign his name in the presence of such officer;

(e) Refuse, on demand of such officer, to produce his license to operate such vehicle or his certificate of registration or to permit such officer to take the license or certificate in hand for the purpose of examination;

(f) Refuse or neglect to produce his license when requested by a court or justice, or refuse to surrender to the director or to any authorized employee of the department of safety or other authorized representative of the director any license, registration certificate or number plate upon demand after suspension or revocation of the same.

II. Any person who violates the provisions of RSA 262:26, I, shall be guilty of a misdemeanor and may have his license or privilege to operate and any registrations issued in his name suspended. If any person other than the operator of the pursued vehicle sustains personal injury in a collision resulting from the operation of a vehicle which is evading pursuit by a law enforcement officer, the operator of such pursued vehicle shall be guilty of a class B felony.

2 Use of Blue Emergency Lights. Amend RSA 263:41 (supp) as amended by striking out said section and inserting in place thereof the following:

263:41 Emergency Lights. It shall be unlawful for any motor vehicle to be operated on the ways of the state equipped with an emergency light. This provision shall not apply to vehicles of law enforcement officers, forestry departments, fire departments, volunteer ambulance drivers, volunteer members of fire departments, state, city or town highway or public works departments, public utilities, wreckers, public or private ambulances, private snow removal vehicles, emergency highway service vehicles and such other vehicles as determined by the director. Emergency lights shall not be in operation except while such vehicle is actively in use during an emergency and in the case of private snow removal vehicles, while such vehicle is actively in use in snow removal. Blue lights shall only be used on law enforcement vehicles and no vehicle shall be equipped with a blue emergency light unless the vehicle has been issued an uncanceled permit by the director authorizing such equipment. The director by regulation shall

determine the location, color and method of use of said emergency lights.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 381, amending the ski liability act. Ought to Pass with Amendment.

This bill amends the ski liability act by adding ski jumps to the definition of ski area. It further provides (through the amendment) that, while the ski jumpers use the ski jump facilities at their own risk, the ski operator shall be responsible for the design, construction and maintenance of all ski jumps. Committee vote was 14-0. Rep. Delight H. Reese for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statement of Policy. Amend RSA 225-A:1 (supp) as inserted by 1957, 254:1 as amended by striking out said section and inserting in place thereof the following:

225-A:1 Declaration of Policy. The state of New Hampshire finds that the sport of skiing is practiced by a large number of citizens of the state of New Hampshire, and also that skiing attracts to the state of New Hampshire large numbers of nonresidents significantly contributing to the economy of New Hampshire. Therefore, it shall be the policy of the state of New Hampshire to protect its citizens and visitors from unnecessary mechanical hazards in the operation of ski tows, lifts, jumps and tramways, to ensure that proper design and construction are used, that board accepted safety devices and sufficient personnel are provided for, and that periodic inspections and adjustments are made which are deemed essential to the safe operation of ski tows, ski lifts, ski jumps and passenger tramways. The primary responsibility for operation, construction, maintenance and inspection rests with the operators of such passenger tramway devices. The state, through its passenger tramway safety board, as hereinafter provided, shall register all ski lift devices and ski jumps, establish reasonable standards of design and operational practices and make such independent inspections as may be necessary in carrying out this policy. Further, it shall be the policy of the state of New Hampshire to define the primary areas of responsibility of skiers and other users of alpine (downhill) and nordic (cross country and ski jumps) areas, recognizing that the sport of skiing and other ski area activities involve risks and hazards which must be assumed as a matter of law by those engaging in such activities, regardless of all safety measures taken by the ski area operators.

2 Definitions. Amend RSA 225-A:2, V (supp) as inserted by 1957, 254:1 as amended by inserting in line 2 after the word "slopes" the following (and ski jumps,) and inserting in line 3 after the word "public" the following (for recreation or competition.) so that said paragraph as amended shall read as follows:

V. Ski areas shall mean all passenger

tramways and all designated trails and slopes and ski jumps under the control of the alpine and nordic ski area operator and open to the public for recreation or competition.

3 Responsibilities of Ski Area Operators. Amend RSA 225-A:23 by inserting after paragraph III the following new paragraph:

IV. Ski Jumps. The operator shall provide a sign in a prominent location at or near the ski jump facility, which sign shall warn the ski jumper that the use of the ski jump is entirely at the ski jumper's own risk. Further, the ski area operator shall be responsible for the design, construction and maintenance of all ski jumps.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 393, relative to the salaries of justices of the district court. Ought to Pass.

The adoption of the majority report of bill would permit the appropriating authority of the city or town where full time courts exist or are established to pay salaries to the Justices of such courts under the statutes in an amount not in excess of the salary paid to an Associate Justice of the Superior Court. It eliminates the necessity for full time justices to have bills introduced at sessions of the General Court with specific salaries set forth and allows justified requests in this area with acceptable limitations. Vote was 15-1. Rep. Daniel J. Healy for Judiciary.

HB 564, relative to sentencing in criminal cases. Ought to Pass.

This bill corrects an anomaly in the law. Presently, the statute allows prisoners with longer minimum sentences than others, both having the same maximum sentence, to be eligible for absolute discharge sooner than the latter prisoner. The Committee vote was unanimous. Rep. James Kaklamanos for Judiciary.

HB 581, relative to salaries of district court justices. Refer to the Committee on Judiciary for Interim Study.

The Committee felt that the subject of this bill needed more study and voted 14-2. Rep. Richard E. Boyer for Judiciary.

HB 589, relative to the interest rate on judgments. Ought to Pass.

The Committee felt that an increase in interest was long overdue since the present rate has been in effect since at least 1921. Vote was 10-4. Rep. Elsie Vartanian for Judiciary.

HB 590, relative to the number of superior court justices. Inexpedient to Legislate.

The Committee felt that this subject would be dealt with better under a blue ribbon study of the court system which is proposed in a bill pending in this session. Committee vote was 11-2. Rep. Richard E. Boyer for Judiciary.

HB 596, adopting certain uniform amendments to Article 9 of the uniform commercial code. Ought to Pass.

This bill brings New Hampshire into conformity with the rest of the country. No opposition to bill in public hearing. Committee vote was 12-0. Rep. Thomas J. Pappas for Judiciary.

HB 605, relative to the penalties for theft and criminal mischief. Inexpedient to Legislate.

This bill is aimed at a serious problem, but Committee feels that proposed solution is too drastic and two sections would be unconstitutional in the light of a recent State Supreme Court decision. Committee vote was 14-1. Rep. Francis E. Robinson for Judiciary.

HB 611, relative to the subpoena power of the attorney general in criminal matters. Inexpedient to Legislate.

This bill would allow the Attorney General to have subpoena power in criminal matters. The Committee felt that it was not in the best interest of the State to grant the Attorney General a power so broad in scope. Vote was 12-3. Rep. Mark H. Stokes for Judiciary.

HB 641, relative to the violation of any statute by any governmental board, agency or commission. Inexpedient to Legislate.

This bill would increase tremendously the work of the Attorney General's Office, and also would intrude a new principle into the legal system by requiring Attorney General to represent citizens who should be represented by private counsel. Vote was 16-0. Rep. Francis E. Robinson for Judiciary.

HB 645, permitting wiretapping with one party consent in certain limited cases. Ought to Pass with Amendment.

This bill permits limited wiretapping with one party consent in certain limited cases, with the Attorney General's authorization. The Attorney General's Office, the State Police and local law enforcement officials all testified in favor. The bill also provides for safeguards against abuse. Committee vote was 15-0. Rep. Thomas J. Pappas for Judiciary.

Amendment

Amend RSA 570-A:2, II (d) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(d) An investigative or law enforcement officer in the ordinary course of his duties pertaining to the conducting of investigations of organized crime, offenses enumerated in this chapter, or harassing or obscene telephone calls to intercept a wire or oral communication, when such person is a party to the communication or one of the parties to the communication has given prior consent to such interception; provided, however, that no such interception shall be made unless the attorney general or the deputy attorney general determines that

there exists a reasonable suspicion that evidence of criminal conduct will be derived from such interception, and a written memorandum is made of the determination and the basis for the determination and the memorandum is kept on file in the office of the attorney general for public inspection.

HB 650, making certain gambling offenses a felony. Ought to Pass with Amendment.

This piece of legislation provides that a person found guilty of committing 10 acts of gambling within a 24 hour period shall be guilty of a class B felony. The intent of this bill is to assist law enforcement officials in the prosecution of "bookies" by increasing the penalty from a misdemeanor. Vote was 14-0. Rep. David B. Campbell for Judiciary.

Amendment

Amend RSA 647:2, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. A person is guilty of a class B felony if he knowingly and unlawfully commits 10 acts of gambling within a 24 hour period.

HB 683, relative to the contents of criminal records. Inexpedient to Legislate. Bill would prohibit reference to crimes from appearing on a criminal record if person has been acquitted or charges were dismissed due to nolle prosequi. Except for sponsor, all testimony was strongly in opposition to bill. Would take two man years to change 200,000 records. Vote was 13-0. Rep. Minnie F. Carswell for Judiciary.

HB 734, relative to the qualifications of attorneys. Inexpedient to Legislate. This bill would have removed the requirement that graduates of an accredited law school in New Hampshire take the bar examination. Committee vote was 12-0. Rep. Delight H. Reese for Judiciary.

HB 774, establishing procedures for class actions in state courts. Ought to Pass with Amendment.

This bill establishes procedures for class actions in state courts. The amendment changes the limits of members of the class from those who opt-out, to those who opt-in. Committee vote was 13-0. Rep. Mark H. Stokes for Judiciary.

Amendment

Amend RSA 491:28 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

491:28 Notice of Class Action. Unless the court dispenses with notice, actual notice of the commencement of a class action shall be given to the members of the class in such manner as the court directs. The content of the notice shall be subject to court approval. Persons given such notice shall not be considered as members of the class unless the court receives an affirmative response from such person that he wishes to be included within the class. Unless the court orders otherwise, the

representatives of the class shall bear the expense of notification and be responsible for the giving of the notice to members of the class.

HB 775, relative to service of affidavits. Ought to Pass with Amendment. Removes an unnecessary step in summary judgment procedure. Amendment cures a typographical error. Vote was 12-0. Rep. Anthony A. McManus for Judiciary.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Summary Judgment Affidavits. Amend RSA 491:8-a (supp) as amended by striking out in lines 16 and 17 the words "and parties" so that said section as amended shall read as follows:

491:8-a Motions for Summary Judgment. A party seeking to recover upon a claim, counterclaim, or cross-claim, or to obtain a declaratory judgment may, at anytime after the defendant has appeared, move for summary judgment in his favor upon all or any part thereof. A party against whom a claim, counterclaim, or cross-claim is asserted or a declaratory judgment is sought, may, at anytime, move for a summary judgment in his favor as to all or any part thereof. Any party seeking summary judgment shall accompany his motion with an affidavit based upon personal knowledge of admissible facts as to which it appears affirmatively that the affiants will be competent to testify. The facts stated in the accompanying affidavits shall be taken to be admitted for the purpose of the motion unless within 30 days contradictory affidavits based on personal knowledge are filed or the opposing party shall file an affidavit showing specifically and clearly reasonable grounds for believing that contradictory evidence can be presented at a trial but cannot be furnished by affidavits. Copies of all motions and affidavits shall upon filing be furnished to opposing counsel. Summary judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits filed, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone, although there is a genuine issue as to amount of damages. If affidavits are not filed by the party opposing the summary judgment within said 30 days, judgment shall be entered on the next judgment day in accordance with the facts. When a motion for summary judgment is made and supported as provided in this section, the adverse party may not rest upon mere allegations or denials of his pleadings, but his response, by affidavits or by reference to depositions, answers to interrogatories, or admissions must set forth specific facts showing that there is a genuine issue for trial. Should it appear to the satisfaction of the court at anytime that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith

order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused him to incur, including reasonable attorney's fees and any offending party or attorney may be adjudged guilty of contempt.

HB 776, providing for reciprocal rights of alimony enforcement for husband and wife. Ought to Pass.

Equalizes the rights of men and women to enforce out-of-state alimony orders in New Hampshire courts. Vote was 13-0. Rep. Anthony A. McManus for Judiciary.

HB 786, establishing a 5 member committee to study the possibility of developing a uniform comprehensive definition of residency. Ought to Pass.

This bill establishes a five member committee to study the possibility of developing a uniform comprehensive definition of residency. A member from Education Committee, Fish and Game Committee, Municipal and County Government Committee, Statutory Revision Committee and Transportation Committee. Vote was 12-0. Rep. Doris J. Riley for Judiciary.

HB 824, allowing graduates of accredited law schools to practice as a paralegal. Inexpedient to Legislate.

The Committee felt this was unnecessary legislation, since it would require that a paralegal be a graduate of law school, thereby increasing the cost of legal services. Vote was 11-0. Rep. Elsie Vartanian for Judiciary.

HB 758, abolishing the judicial council. Refer to Committee on Legislative Administration for Interim Study.

Because the Judicial Council will be reviewed under Sunset and because no provision was made for administration of the Indigent Defendants program under this bill, the Committee on Legislative Administration would like the opportunity to review the bill in interim study. Vote was 11 in favor and 2 against. Rep. Robert E. Plourde for Legislative Administration.

HB 800, relative to the office space study committee. Ought to Pass.

This bill changes the makeup of the Office Space Study Committee. There will be three members from the Senate, four members of the House and one member appointed by the Governor. The Comptroller and the Commissioner of Public Works and Highways will be advisory members. The vote for passage was 13-0. Rep. Paul I. LaMott for Legislative Administration.

HB 801, relative to the legislative historical committee. Ought to Pass.

This bill increases the size of the Legislative Historical Committee from six to eight members and gives the Committee the formal authority to choose a legislative historian and to compensate him as the Committee determines, within the limits of its

appropriation. The vote was unanimous (13-0). Rep. Robert E. Plourde for Legislative Administration.

Referred to Appropriations.

HCR 14, relative to naming the Richard D. Hanson hall in the legislative office building. Ought to Pass.

It is most appropriate that the many years in which Richard D. Hanson served the State of New Hampshire so well and faithfully be recognized for all time to come. His expertise and knowledge in the area of local government, gained from more than a decade as member and Chairman of the Committee on Municipal and County Government, was an important factor in shaping the statutes pertinent to the operation of municipalities. His tenure on the Legislative Facilities Committee was a means for him to participate and provide input in the reconstruction of the old Post Office Building and the refurbishing of the Legislative Office Building. To designate, with a suitable plaque and dedication ceremony, Rooms 210 and 211 as "Richard D. Hanson Hall" would serve to draw attention to Representative Hanson's outstanding qualities and services. Committee vote was 12-0. Rep. Richardson D. Benton for Legislative Administration.

HB 31, relative to prorating motor vehicle permit fees. Inexpedient to Legislate.

Subject matter covered by other legislation. Vote was 12-0. Rep. Ezra B. Mann, II for Municipal and County Government.

HB 514, relative to liens for uncollected taxes upon house trailers and mobile homes. Refer to Committee on Municipal and County Government for Interim Study.

Study would provide time to consider this bill along with other legislation on the same subject. Vote was 13-0. Rep. Anthony Pepitone for Municipal and County Government.

HB 547, authorizing cities and towns to control the timing of development and to impose temporary development moratoria. Ought to Pass with Amendment.

This bill, as amended, is agreeable to all parties concerned. This bill is the result of a lawsuit in Raymond and should eliminate further legal action caused by moratoria. Vote was 12-0. Rep. Beverly A. Gage for Municipal and County Government.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing cities and towns to control the timing of development.

Amend the bill by striking out RSA 31:62-a and 62-b as inserted by section 1 of the bill and inserting in place thereof the following:

31:62-a Growth Management; Timing of Development. The legislative body of a city or town may further exercise the powers granted under this subdivision to regulate and control the timing of development. Any ordinance imposing such a control may be adopted only after preparation and adoption by the planning board of a master plan and capital improvement program and shall be based upon a growth management process intended to assess and balance community development needs and consider regional development needs.

31:62-b Growth Management; Interim Regulation.

I. In unusual circumstances requiring prompt attention and for the purpose of developing or altering a growth management process under RSA 31:62-a, or a master plan or capital improvement program, a city or town may adopt an ordinance imposing interim regulations upon development as provided in this section.

II. An interim regulation may be proposed by the planning board if it determines that the requirements of paragraph I exist and makes findings of fact so indicating. Any such proposal shall be submitted to the legislative body as a zoning ordinance and shall be subject to all procedures and provisions relative to enactment of zoning ordinances except that:

(a) There shall be at least one hearing on the interim regulation held by the planning board at which parties in interest and citizens shall have an opportunity to be heard. At least 14 days' notice of the time and place of the hearing shall be published in a paper of general circulation in the municipality and a legal notice thereof shall also be posted in at least 3 public places in the municipality. The notice shall include either the text or an adequate statement of the proposed regulation. After the hearing the planning board, by vote, shall determine the final form of the regulation to be submitted to the legislative body which shall conform, in substance, to the initial proposal and may include editorial revisions and textual modifications resulting from the public hearing which the planning board votes to adopt.

(b) The legislative body shall act upon the proposed interim regulation not later than 45 days after the posting of the notice for the public hearing under subparagraph (a).

III. An interim regulation adopted under this section shall expire at the earliest of the following occurrences: one year after its adoption by the legislative body; such earlier time as specified in the ordinance; or upon the effective date of an ordinance adopted under RSA 31:62-a which addresses the unusual circumstances.

HB 568, providing for exemption of machinery and equipment from the property tax. Ought to Pass with Amendment.

This bill puts ski lift machinery in the same category as commercial machinery,

therefore tax exempt. Corrects what appears to be an inconsistent interpretation and application of the real estate tax. Vote was 13-0. Rep. David B. Packard for Municipal and County Government.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Exempt Ski Area Machinery. Amend RSA 72:23 by inserting after paragraph VI the following new paragraph:

VII. Ski area machinery and equipment, including cables, sheaves assemblies, carriers, pipe lines, compressors, pumps, electrical apparatus and equipment of every kind and description used or useful in the operation of a passenger tramway or in the production of man-made snow which is not permanently affixed to the real estate upon which it is located and which is capable of removal shall be exempt from taxation as real estate.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 631, placing the Sullivan county jail under the jurisdiction of the county sheriff. Inexpedient to Legislate.

This bill should have come in with some recommendation from the county delegation. Vote was 13-0. Rep. Arnold B. Perkins for Municipal and County Government.

HB 653, relative to prepayment of resident taxes. Ought to Pass. Housekeeping bill. Clarifies and authorizes practices currently in existence which might be technically in violation otherwise. Vote was 14-1. Rep. Anthony Pepitone for Municipal and County Government.

HB 656, relative to administrative fees for deeds and redemptions after tax sales. Inexpedient to Legislate.

Bill not needed at this time. Vote was 12-0. Rep. Ezra B. Mann, II for Municipal and County Government.

HB 657, relative to inventory blanks. Ought to Pass. For clarification HB 657 requires the inclusion of the designated agent, if any, to whom the tax bill is to be mailed on the inventory blank. Vote was 13-0. Rep. Roger C. King for Municipal and County Government.

HB 684, relative to legal fees charged by county attorneys. Ought to Pass. Eliminates additional fees chargeable by county attorneys by requiring that they be returned to the County Treasurer where such fees may be required by law. Vote was 13-0. Rep. Arnold B. Perkins for Municipal and County Government.

HB 685, permitting local communities to impose stricter litter control laws than required by state law. Inexpedient to Legislate.

This bill does not define litter, has no effective guidelines, question arose as to enforcement of present litter law, this could pose a hardship on home owners. Vote was 13-0. Rep. Beverly A. Gage for Municipal and County Government.

HR 709, relative to elderly exemptions from property tax. Refer to Committee on Municipal and County Government for Interim Study.

This bill has some merit but needs further study as to impact and effect. Vote was 13-0. Rep. Ezra B. Mann, II for Municipal and County Government.

HB 711, relative to elected county officials. Inexpedient to Legislate. This bill is discriminatory in that it only concerns county officials. Vote was 12-0. Rep. Arnold B. Perkins for Municipal and County Government.

HB 712, permitting certain town meetings to be held outside the boundaries of the town. Ought to Pass.

This bill allows towns, that are members of a Cooperative School District, to take advantage of school buildings belonging to the school district, not located in their town for the purpose of holding the business session of the town meeting. Vote was 14-0. Rep. Roger C. King for Municipal and County Government.

HB 721, relative to county budget hearings and providing ample time for deliberations. Inexpedient to Legislate.

This bill will cause hardship for counties on a fiscal year. Vote was 14-0. Rep. Arnold B. Perkins for Municipal and County Government.

HB 728, relative to municipal permit fees for automobile registration. Ought to Pass with Amendment.

This bill corrects the inequities which exist in the present method of calculating and collecting municipal motor vehicle permit fees. Vote was 13-0. Rep. David B. Packard for Municipal and County Government.

Amendment

Amend section 2 of the bill by striking out same and renumbering sections 3, 4, 5 and 6 to read as follows:
 2 , 3 , 4 5 ,
 respectively.

HB 763, relative to property taxation of mobile homes. Refer to Committee on Municipal and County Government for Interim Study.

This bill and HB 514 deal with a complicated subject with many ramifications that can only be properly resolved in interim study. Vote was 13-0. Rep. E. John Lowmes, III for Municipal and County Government.

HB 772, exempting a residence as an asset under the expanded elderly exemption for taxed property. Refer to Committee on Municipal and County Government for Interim Study.

This bill has some merit but needs further study as to impact and effect. Vote was 13-0. Rep. Ezra B. Mann, II for Municipal and County Government.

HB 871, legalizing the Hanover town meeting. Ought to Pass.
Legalizes the Town Meeting of Hanover held March 2, 1976 wherein certain votes were taken upon advice of Town Counsel. No questions, legal or otherwise, have been raised. Vote was 12-0. Rep. Roger C. King for Municipal and County Government.

HB 428, mandating certain criteria to be utilized by the water supply and pollution control commission in approving percolation tests, secondary filtration and purification capacity. Ought to Pass with Amendment.
This bill requires specified criteria of soil conditions in determining approval of sub-surface sewerage systems. The amendment deletes soils tables which the Committee felt belongs in regulations, not statute. Committee vote was 13-0. Rep. Nancy R. Gagnon for Resources, Recreation and Development.

Amendment

Amend RSA 149-F:13 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:
149-E:13 Minimum Lot Sizes

I. Lot sizes shall be in accordance with the type of soil and the ability of the soil to absorb wastes without polluting water supplies or adjoining waters or ground water tables. Waivers of lot size requirements shall not be granted in subdivisions of greater than 10 lots.

II. When a track of land has more than one soil type, to compute minimum lot sizes a weighted average method by individual soils shall be used.

III. It shall be necessary to make onsite determinations prior to computing minimum lot sizes for borrow pits, coastal beach, dumps, madeland, rock outcrop, river wash, urban land and soil-urban areas.

Amend RSA 149-E:14 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:
149-E:14 Water Table.

I. When the water table height requirements contained herein are less stringent than actual construction requirements as promulgated by the commission, subdivision approval shall not be construed to imply the suitability of all, or any specific lot, for sewage disposal nor shall such approval be used as grounds for requesting a waiver of other regulations that may exist.

II. In determining the water table height the duration shall be a factor to consider. The duration for seasonal high water tables are classified as follows:

- (a) Short - One to 2 months.
- (b) Moderate - 2 to 6 months.
- (c) Long - 6 to 12 months.

Amend RSA 149-E:15 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:
149-E:15 Subsurface Disposal Systems.

I. Subsurface disposal systems shall not be permitted in areas classified as flood plains or prime wetland areas. The flood plains are determined to be those areas identified as alluvial soils as defined by the national cooperative soil survey. Prime wetland areas are those areas identified as very poorly drained soils or fresh water marsh as defined by the national cooperative soil survey. The prohibition of subsurface disposal systems in either flood plains or prime wetlands applies to both in their natural state or with fill placed on their natural surfaces. In computing the minimum lot size pursuant to RSA 149-E:13, that portion of any lot that is in either the flood plain or is in a prime wetlands area shall not be used.

II. (a) Subsurface disposal systems shall be allowed on slopes of 15 percent to 25 percent only if an on-site inspection is conducted which shall confirm the soils types and determine the special design specifications which shall be used in the installation of the system.

(b) Subsurface disposal systems shall not be authorized on slopes of land in excess of 25 percent.

(c) The slope of the land is expressed in percent. This is determined by the difference in elevation in feet for 100 feet of horizontal distance.

149-E:16 Suspension of an Approval.

I. If at any time the staff of the commission determines that a subdivision approval was granted on false or incorrect data which would have affected the original approval, the subdivision approval shall be suspended until such changes as the staff shall require are made. Where the necessary changes cannot be made or are not made, section 149-E:5, IV, shall apply.

II. When the staff of the commission makes a determination pursuant to paragraph I that the original approval was granted on false or incorrect data, the appropriate local planning board or if none, the local officials granting local approval, shall be notified by certified mail of this determination.

III. The local planning board or appropriate local officials, upon receiving such notification pursuant to paragraph II, shall suspend its approval until the required changes are made.

149-E:17 Standards Review Committee. A standards review committee is hereby established consisting of 5 members, 2 members from the staff of the commission, namely, the chief aquatic biologist and a soil expert employed by the commission and designated by the executive director; the state soil scientist of the soil conservation service; the president or designee of the state association of conservation districts; and the director or designee of the state office of state planning. The committee shall review periodically the most recent technological information available relative to soil type, conditions, engineering techniques and developments and determine the changes in standards, if any, relative to the minimum lot size, that would be justified as a result of its review. The committee shall make its initial recommendation within 6

months of the effective date of this section and on a biannual basis thereafter, any recommended changes in these standards shall be considered recommendations of the commission and the commission shall promulgate any changes pursuant to RSA 541-A. The committee shall elect one of its members as chairman. Meetings of the committee shall be called by the chairman. The committee members shall serve without compensation but shall be entitled to the same mileage as paid to state employees while performing duties in connection with the committee.

HBI 2025, relating to conversion of seasonal dwellings to year round use. Refer to Committee on Resources, Recreation and Development for Interim Study.

The Committee felt that HBI 2025 has merit and should be sent to Interim Study. Vote was 11-0. Rep. Philip C. Heald, Jr. for Resources, Recreation and Development.

HB 648, establishing a manufactured housing advisory board. Inexpedient to Legislate.

HB 648 would establish a manufactured housing advisory board. Bill addressed mobile homes but also covered modular homes by its definition. The Committee voted against setting up another Committee, especially since it had no power to act. Vote was 9-1. Rep. Clyde S. Eaton for Statutory Revision.

HB 715, relative to the Wentworth-Douglass hospital. Inexpedient to Legislate.

This bill addresses a local political issue and the Dover Delegation asked that this be reported Inexpedient to Legislate as only one of the delegation voted "Ought to Pass" in the delegation meeting. Unanimous vote for Inexpedient to Legislate (10-0). Rep. Natalie S. Flanagan for Statutory Revision.

RECESS

Rep. French requested a quorum count. The Speaker declared a quorum present.

ENROLLED BILLS REPORT

HB 185, concerning waivers from participation in the school lunch program.

HB 283, relative to appointing guardians for residents of Glencliff home for the elderly.

HB 318, relative to electricians on projects supervised by the New Hampshire department of public works and highways.

HB 321, allowing the postsecondary education commission to set a reasonable fee for certain transcripts.

SB 88, relative to the redemption of bank shares.

SR 57, making a supplemental appropriation to the department of safety.

HB 336, repealing the Lebanon Regional Airport Authority.

Sen. Laurier Lamontagne
Rep. Lorine Walter
For the Committee

COMMITTEE REPORTS (Regular Calendar)

HB 628, relative to class actions under the consumer protection law. Inexpedient to Legislate.

Sponsor requested that the bill be inexpedient. Same matter is covered in HB 774. Vote was 16-0. Rep. Irene J. Shepard for Constitutional Revision.

Resolution adopted.

HB 667, relative to the penalty for the non-filing of a property inventory form. Inexpedient to Legislate.

Only one town has had this problem, apparently due to their interpretation of the present law. Vote was 10-3. Rep. Irene J. Shepard for Constitutional Revision.

Resolution adopted.

HCR 8, concerning the budget of the United States. Majority: Inexpedient to Legislate. Minority (Reps. Aldrich, Wiggins and McIver): Ought to Pass.

MAJORITY: Whereas the majority of the Committee strongly supports a balanced budget concept, it does not feel that a Constitutional Convention is the proper vehicle to accomplish that end.

There are far too many dangers attendant the convening of such a convention, including opening the convention to consider other subject matters and bringing about unnecessary congressional and judicial confrontations. The Constitution is too important a document to be used as a lobby tool. Vote was 9-8. Reps. Joseph M. Eaton for the Majority of Constitutional Revision. MINORITY: The minority believes that the fiscal crisis in the United States is seriously affecting this country's ability to function as a leader around the world as well as its ability to maintain a strong domestic financial status. This crisis is caused by deficit spending at the federal level.

The sponsors believe, and we agree, that the Congress of the United States will not act to balance the Federal Budget on its own initiative without a strong signal from the States that this necessary action should be taken. The Minority is not convinced that the prospects of a Constitutional Convention limited only to the issue of balancing the budget is an impossibility nor undesirable. This resolution calls for such a convention only on the condition that the Congress does not draft the amendment itself. Even if it goes to a Constitutional Convention, any amendment drafted there would require ratification by 38 states. Reps. Frederick C. Aldrich, George I. Wiggins and Neil F. McIver for the Minority of Constitutional Revision.

Rep. Aldrich moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Joseph Eaton spoke against the motion.

Rep. French spoke in favor of the motion.

(Rep. French in the Chair)

Rep. Spanos spoke against the motion and yielded to questions.

Rep. George Roberts spoke in favor of the motion and yielded to questions.

Reps. Morrison and Pine spoke against the motion.

Reps. Gosselin and Farnham spoke in favor of the motion.

Rep. Hildreth requested a quorum count.

The Chair declared a quorum present.

Reps. Scamman and Spirov spoke against the motion and yielded to questions.

Reps. McIver, Plourde and Joseph Cote spoke in favor of the motion.

Reps. McLane and Sackett against the motion.

Rep. Wiggins spoke in favor of the motion and yielded to questions.

A quorum count was requested.

The Chair declared a quorum present.

Reps. Chase and Daniell spoke against the motion.

Rep. Tucker spoke in favor of the motion.

Rep. Tucker requested a quorum count.

The Chair declared a quorum present.

Rep. Lyons spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Rep. French presiding)

YEAS 178 NAYS 161

YEAS 178

BELKNAP: Beard, Birch, Downs, Hanson, Mansfield, Morin, Randall and George Roberts.

CARROLL: Roderick Allen, Desjardins, Dickinson, Heath, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Raybutt, Callahan, Close, Crane, Ernst, Johnson, Kohl, Ladd, O'Connor, Vrakatitsis and Jean White.

COOS: Brungot, Burns, Horton, Richardson, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Christy, Dearborn, Foster, LaMott, Logan, Low, Lowmes, Mann, McAvooy, McIver, Pepitone, Rounds, Seely, Snell, Thomson, Walter, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Arris, Emile Boisvert, Bosse, Carswell, Corey, Joseph Cote, Peter Flynn, Nancy Gagnon, Granger, Sal Grasso, Heald, Healy, Thomas Hynes, Karnis, Levesque, Lyons, Madigan, Marcoux, Martineau, Mazur, McCarthy, Odell, Aime Paradis, Peter Parady, Perkins, Podles, David Ramsay, Paul Riley, Roy, Sallada, Silva, Edward Smith, Leonard Smith, Steiner, Stylianos, James Sullivan, Vachon, Wallace, Weaver, Welch, Emma Wheeler, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Allgever, Ayles, Bibbo, Rodi, Laurent Boucher, John Cate, Clements, Colby,

James Humphrey, Kidder, LaBranche, Locke, Mitchell, Nichols, Packard, Plourde, Randlett, Doris Riley, William Roberts, Shepard, Stio, Stockman, Stokes and Waters.

ROCKINGHAM: Benton, Bisbee, Blake, William Boucher, Patricia Cote, Roy Davis, Robert Day, Ellyson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gould, Hartford, Jackson, Jones, Kane, Kashulines, Roger King, Lovejoy, Nelson, Newell, Parr, Peterson, Rogers, Schmidtchen, Schwaner, Skinner, Stimmell, Sytek, Tavitian, Vartanian, Vlack, Warburton, Helen Wilson and Woodman.

STRAFFORD: Canney, DeNafio, Farnham, Gosselin, Preston, Dennis Ramsey, Donald Smith, Tripp, Vaughan and Whitehead.

SULLIVAN: Sim Grav, LeBrun, Palmer, Spaulding, Tucker and Wiggins.

NAYS 161

BELKNAP: Bordeau, Bowler, Garv Dionne, Hildreth, Matheson, Sabbow and Sanders.

CARROLL: Chase.

CHESHIRE: Daniel Eaton, Matson, Miller, Moore, Nims, Proctor, Margaret Ramsay, William Riley and Scranton.

COOS: Elmer Beaulac, Chappell, Fortier, Guav, Bradley Haynes, Mawhew, Oleson, Theriault and Alcide Valliere.

GRAFTON: Copenhagen, Michael King, Taffe and Ward.

HILLSBOROUGH: Archambault, Wilfrid Boisvert, Boyer, Burkush, Yvette Chagnon, Compagna, Corser, Craig, Catherine-Ann Dav, L. Penny Dion, Dolbec, Beverly Dupont, Raymond Dupont, Joseph Eaton, Gabrielle Gagnon, Gelinas, Guidi, Hall, Hardy, Head, Hendrick, Howard Humphrey, Jamrog, Keefe, Labombarde, Lefebvre, Roland Lemire, Martel, McDonough, McLaughlin, Morrison, Mulligan, Murray, Nardi, Naro, Nemzoff-Berman, Pappas, Pastor, Plomaritis, Polak, Peter Ramsey, Reidv, Soucy, Spirov, Stahl, Francis Sullivan, Thiheault, Rock Tremblay, Wallin, Eliot Ware, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Bellerose, Blakeney, Carroll, Milton Cate, Daniell, Epstein, Holliday, McLane, O'Neill, Paire, Rice, Selwav, Trachy, Rick Trombly, Underwood, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Blanchette, Butler, Marilyn Campbell, Carpenito, Collins, Connors, Dunfey, Gibbons, Greene, Hoar, Keenan, Kozacka, Krasker, Landry, Laycock, Leslie, LoFranco, Joseph MacDonald, McEachern, Newman, Pantelakos, Parolise, Pevear, Pucci, Quimby, Reese, Scamman, Freda Smith, Splaine, Stickney, Woinowski and Wolfson.

STRAFFORD: Burchell, Ronald Chagnon, Drew, Gauvin, Hebert, Dianne Herchek, James Herchek, Joos, Maglaras, McManus,

Morrisette, Nadeau, Pine, Prav, Robinson, Sackett, Schreiber and Valley.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, Cutting, D'Amante, Domini, Lucas, Spanos, Townsend and Williamson, and the motion was adopted.

Reps. Lessard and Meader wished to be recorded against the motion, Ought to Pass, on HCR 8.

Rep. Griffin wished to be recorded in favor of HCR 8.

Question being on the substituted committee report, Ought to Pass. A roll call was requested. Sufficiently seconded.

(Rep. French presiding)

YEAS 188 NAYS 152

YEAS 188

BELKNAP: Beard, Birch, Downs, Hanson, Mansfield, Morin, Randall and George Roberts.

CARROLL: Roderick Allen, Desjardins, Dickinson, Heath, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Close, Crane, Ernst, Johnson, Kohl, Ladd, Miller, O'Connor, Vrakatitsis and Jean White.

COOS: Bouchard, Brungot, Burns, Chappell, Horton, Richardson, Willev, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Christy, Dearborn, Foster, LaMott, Logan, Low, Lowmes, Mann, McAvoy, McIver, Pepitone, Rounds, Seely, Snell, Thomson, Walter, Andrew Ware and Wood.

HILLSBOROUGH: Ainlev, Arris, Emile Boisvert, Bosse, Carswell, Corey, Joseph Cote, Craig, Peter Flvnn, Nancy Gagnon, Granger, Sal Grasso, Heald, Healy, Thomas Hynes, Karnis, Keefe, Levesque, Lyons, Madigan, Marcoux, Martineau, Mazur, McCarthy, McLaughlin, Murrav, Odell, Aime Paradis, Peter Paradv, Perkins, Podles, Polak, David Ramsay, Paul Riley, Sallada, Silva, Edward Smith, Leonard Smith, Spirou, Steiner, Stylianos, James Sullivan, Wallace, Weaver, Emma Wheeler, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Allgeyer, Ayles, Bibbo, Bodi, Laurent Boucher, John Cate, Milton Cate, Clements, Colby, James Humphrey, Kidder, LaBranche, Locke, Mitchell, Nichols, Packard, Plourde, Randlett, Doris Riley, William Roberts, Shepard, Stio, Stockman, Stokes and Waters.

ROCKINGHAM: Benton, Bisbee, Blake, William Boucher, Patricia Cote, Roy Davis, Robert Day, Ellyson, Felch, Flanagan, Joseph Flvnn, Beverly Gage, Carl Gage, Gould, Hartford, Jackson, Jones, Kane, Kashulines, Roger King, Lovejoy, Nelson, Newell, Newman, Parr, Peterson, Rogers, Schmidtchen, Schwaner, Skinner, Stimmell, Sytek, Tavitian, Vartanian, Vlack, Warburton, Helen Wilson, Wolfsen and Woodman.

STRAFFORD: Canney, DeNafio, Farnham, Gosselin, Prav, Preston, Dennis Ramsey, Donald Smith, Tripp, Vaughan and Whitehead.

SULLIVAN: Sim Gray, LeBrun, Palmer, Spaulding, Tucker and Wiggins.

NAYS 152

BELKNAP: Bordeau, Bowler, Gary Dionne, Hildreth, Matheson, Sabhow and Sanders.

CARROLL: Chase.

CHESHIRE: Daniel Eaton, Matson, Moore, Nims, Proctor, Margaret Ramsay, William Riley and Scranton.

COOS: Elmer Beaulac, Fortier, Guav, Bradley Haynes, Mayhew, Oleson, Theriault and Alcide Valliere.

GRAFTON: Copenhaver, Michael King, Taffe and Ward.

HILLSBOROUGH: Archambault, Wilfrid Boisvert, Royer, Burkush, Yvette Chagnon, Compagna, Corser, Catherine-Ann Dav, J. Penny Dion, Dolbec, Beverly Dupont, Raymond Dupont, Joseph Eaton, Gabrielle Gagnon, Gelinas, Guidi, Hall, Hardy, Head, Hendrick, Howard Humphrey, Jamrog, Labombarde, Lefebvre, Roland Lemire, Martel, McDonough, Morrison, Mulligan, Nardi, Naro, Nemzoff-Berman, Pappas, Pastor, Plomaritis, Peter Ramsey, Reidy, Roy, Soucy, Stahl, Francis Sullivan, Thibeault, Rock Tremblay, Vachon, Wallin, Eliot Ware, Welch, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Bellerose, Blakenev, Carroll, Daniell, Epstein, Wollidav, McLane, O'Neill, Paire, Rice, Selway, Trachv, Rick Tromblv, Underwood, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Blanchette, Butler, Marilyn Campbell, Carpenito, Collins, Connors, Dunfev, Gibbons, Greene, Hoar, Keenan, Kozacka, Krasker, Landrv, Laycock, Leslie, LoFranco, Joseph MacDonald, McEachern, Pantelakos, Parolise, Pevear, Pucci, Quimhv, Reese, Scamman, Freda Smith, Splaine, Stickney and Woinowski.

STRAFFORD: Burchell, Ronald Chagnon, Drew, Gauvin, Hebert, Dianne Herchek, James Herchek, Joos, Maglaras, McManus, Morrisette, Nadeau, Pine, Robinson, Sackett, Schreiber and Valley.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, Cutting, D'Amante, Domini, Lucas, Spanos, Townsend and Williamson, and HCR 8 was ordered to third reading.

RECONSIDERATION

Rep. George Roberts moved that the House reconsider its action whereby it passed HCR 8, concerning the budget of the United States.

Rep. Spirou spoke to the motion.

Rep. George Roberts withdrew his motion.

(Speaker in the Chair)

HB 556, equalizing the percentage of the annual grant for the payment of debt service for school construction. Inexpedient to Legislature.

Equalizing the annual grants for debt service will not equalize debt service in school districts. Committee felt building aid formula should not be changed. Committee vote was 12-4. HBI 2016 will produce legislation regarding formulas and funding for school bill. Rep. Robert W. Moore, Jr. for Education.

Rep. William Boucher moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Taffe, Nichols and Krasker spoke against the motion.

Reps. Reese and DeNafio spoke in favor of the motion.

Rep. Carswell requested a quorum count.

The Speaker declared a quorum present.

Rep. Wallin spoke in favor of the motion.

Rep. Moore spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 137 NAYS 196

YEAS 137

BELKNAP: Bowler, Downs and Randall.

CARROLL: Chase, Desiardins and Howard.

CHESHIRE: Bavhutt, Crane, Daniel Eaton, Kohl and Vrakatitsis.

COOS: Bouchard, Chappell, Mayhew, Alcide Valliere, Willev and Wiswell.

GRAFTON: Buckman, George Cate, Rounds, Walter and Ward.

HILLSBOROUGH: Arris, Boyer, Burkush, Carswell, Compagna, Joseph Cote, Dolbec, Raymond Dupont, Peter Flynn, Nancy Gagnon, Granger, Guidi, Hardy, Healy, Hendrick, Howard Humphrey, Jamrog, Lefebvre, Armand Lemire, Levesque, Lyons, Martel, Mazur, McCarthy, McDonough, Milton Mevers, Morrison, Pappas, Pastor, Podles, Silva, Edward Smith, Leonard Smith, Stahl, Rock Tremblay, Wallin, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Ribbo, Milton Cate, Daniell, Epstein, James Humphrey, LaBranche, McLane, Packard, Selway, Shepard, Stokes, Trachy, Underwood, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Benton, Bisbee, Blake, Blanchette, William Boucher, Marilyn Campbell, Collins, Roy Davis, Robert Dav, Flanagan, Gibbons, Gould, Greene, Hoar, Kashulines, Roger King, Kozacka, Laycock, Leslie, Lovejoy, McEachern, Newell, Newman, Parr, Pucci, Quimbv, Reese, Rogers, Schmidchen, Schwaner, Freda Smith, Sytek, Vartanian and Helen Wilson.

STRAFFORD: Burchell, Canney, DeNafio, Drew, Farnham, Dianne Herchek, James Herchek, Lessard, Maglaras, McManus, Morrisette, Nadeau, Pine, Prav, Dennis Ramsey, Robinson, Schreiber, Donald Smith, Tripp, Vallev, Vaughan and Whitehead.

SULLIVAN: David Campbell, Palmer and Williamson.

NAYS 196

BELKNAP: Beard, Birch, Bordeau, Gary Dionne, French, Hanson, Hildreth, Mansfield, Matheson, Morin, Sabbow and Sanders.

CARROLL: Roderick Allen, Dickinson, Heath, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Ernst, Johnson, Ladd, Matson, Miller, Moore, Nims, O'Connor, Proctor, Margaret Ramsay, William Riley, Scranton and Jean White.

COOS: Elmer Beaulac, Brungot, Burns, Fortier, Guay, Bradley Havnes, Horton, Oleson, Richardson, Theriault and York.

GRAFTON: Aldrich, Ira Allen, Christv, Copenhaver, Dearborn, Foster, Michael King, LaMott, Logan, Low, Lowmes, Mann, McAvoy, McIver, Pepitone, Seelv, Snell, Taffe, Thomson, Andrew Ware and Wood.

HILLSBOROUGH: Ainlev, Archambault, Rosse, Yvette Chagnon, Corev, Corser, Craig, Catherine-Ann Dav, L. Penny Dion, Beverly Dupont, Joseph Eaton, Gabrielle Gagnon, Gelinas, Sal Grasso, Hall, Head, Heald, Thomas Hynes, Karnis, Keefe, Labombarde, Roland Lemire, Madigan, Marcoux, Martineau, McLaughlin, Mulligan, Murray, Nardi, Naro, Nemzoff-Berman, Odell, Peter Parady, Perkins, Plomaritis, Polak, David Ramsay, Peter Ramsey, Reidv, Paul Riley, Rov, Sallada, Soucy, Steiner, Stylianos, Francis Sullivan, James Sullivan, Thibeault, Vachon, Wallace, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler and Zajdel.

MERRIMACK: Allgeyer, Blakeney, Laurent Boucher, Carroll, John Cate, Clements, Colby, Holliday, Kidder, Locke, Mitchell, Nichols, O'Neill, Paire, Randlett, Doris Riley, William Roberts, Stio, Stockman, Rick Trombly and Ernest Valliere.

ROCKINGHAM: Butler, Carpenito, Connors, Patricia Cote, Dunfey, Ellvson, Felch, Joseph Flynn, Carl Gage, Hartford, Jackson, Jones, Keenan, Krasker, Landrv, LoFranco, Joseph MacDonald, Nelson, Pantelakos, Parolise, Peterson, Pevear, Scamman, Skinner, Splaine, Stickney, Stimmell, Tavitian, Vlack, Warburton, Woynowski, Wolfsen and Woodman.

STRAFFORD: Ronald Chagnon, Gauvin, Gosselin, Hebert, Joos, Preston and Sackett.

SULLIVAN: Edmund Belak, Brodeur, Cutting, D'Amante, Domini, Sim Gray, LeBrun, Lucas, Spanos, Spaulding, Townsend, Tucker and Wiggins, and the motion lost.

Reps. Preston, Tripp, Gauvin and Vrakatitsis notified the Clerk that she inadvertently voted "nav" and meant to vote "vea".

Reps. Marcoux and Kane wished to be recorded in favor of the motion, Ought to Pass, on HB 556.

Resolution adopted.

SUSPENSION OF RULES

Rep. Tucker moved that the rules be so far suspended as to place HCR 8 on third reading and final passage at the present time, spoke to his motion and yielded to questions.

Reps. McLane, Scamman, Sackett, Spirou and Lyons spoke in favor of the motion.

Rep. McManus spoke against the motion.

Adopted by the necessary two-thirds.

Question being shall HCR 8 be read a third time and passed.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 199 NAYS 137

YEAS 199

BELKNAP: Beard, Birch, Downs, French, Hanson, Mansfield, Morin, Randall and Sabhow.

CARROLL: Roderick Allen, Desjardins, Heath, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Close, Crane, Ernst, Johnson, Kohl, Ladd, Miller, Moore, O'Connor, Scranton, Vrakatis and Jean White.

COOS: Bouchard, Brungot, Burns, Chappell, Horton, Oleson, Richardson, Willev, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Christy, Dearborn, Foster, LaMott, Logan, Low, Lowmes, Mann, McAvoy, McIver, Pepitone, Rounds, Seely, Snell, Thomson, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Arris, Rosse, Carswell, Corey, Joseph Cote, Craig, Peter Flynn, Nancy Gagnon, Granger, Sal Grasso, Heald, Healy, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Levesque, Lyons, Madigan, Martineau, Mazur, McCarthy, McDonough, McLaughlin, Murray, Odell, Aime Paradis, Peter Parady, Perkins, Podles, Polak, David Ramsay, Paul Riley, Rov, Sallada, Silva, Edward Smith, Leonard Smith, Steiner, Stylianos, James Sullivan, Vachon, Wallace, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Allgeyer, Ayles, Ribbo, Bodi, Laurent Boucher, John Cate, Milton Cate, Clements, Colby, James Humphrey, Kidder, LaBranche, Locke, Mitchell, Nichols, Packard, Paire, Randlett, Doris Riley, William Roberts, Shepard, Stio, Stockman, Stokes, Waters and Wiviott.

ROCKINGHAM: Benton, Bisbee, Blake, William Boucher, Marilyn Campbell, Connors, Patricia Cote, Roy Davis, Robert Day, Ellyson, Felch, Flanagan, Joseph Flynn, Carl Gage, Gould, Greene, Hartford, Jackson, Jones, Kane, Kashulines, Roger King, Lovejoy, Nelson, Newell, Newman, Parr, Peterson, Rogers, Schmittchen, Schwaner, Skinner, Splaine, Stimmell, Sytek, Tavitian, Vartanian, Vlack, Warbuton, Helen Wilson, Wolfsen and Woodman.

STRAFFORD: Canney, DeNafio, Farnham, Gosselin, Nadeau, Pray, Preston, Dennis Ramsey, Donald Smith, Tripp and Vaughan.

SULLIVAN: Sim Gray, LeBrun, Palmer, Spaulding, Townsend, Tucker and Wiggins.

NAYS 137

BELKNAP: Bordeau, Bowler, Gary Dionne, Hildreth, Matheson and Sanders.

CARROLL: Chase.

CHESHIRE: Daniel Eaton, Matson, Nims, Proctor, Margaret Ramsay and William Riley.

COOS: Elmer Beaulac, Fortier, Guay, Bradley Haynes, Mayhew, Theriault and Alcide Valliere.

GRAFTON: Copenhaver, Michael King and Taffe.

HILLSBOROUGH: Archambault, Rover, Burkush, Yvette Chagnon, Compagna, Corser, Catherine-Ann Day, L. Penny Dion, Dolbec, Beverly Dupont, Raymond Dupont, Joseph Eaton, Gabrielle Gagnon, Gelin, Guidi, Hall, Hardy, Head, Hendrick, Jamrog, Kaklamanos, Labombard, Lefebvre, Armand Lemire, Roland Lemire, Martel, Milton Meyers, Morrison, Mulligan, Nardi, Naro, Nemzoff-Berman, Pappas, Pastor, Plomaritis, Peter Ramsey, Reid, Soucy, Spirou, Stahl, Francis Sullivan, Thibeault, Rock Tremblay, Wallin, Welch, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Bellerose, Blakeney, Carroll, Daniell, Epstein, Holliday, McLane, O'Neill, Selway, Trachy, Rick Tromblay and Ernest Valliere.

ROCKINGHAM: Aeschliman, Blanchette, Butler, Carpenito, Collins, Dunfey, Gibbons, Hoar, Keenan, Kozacka, Krasker, Lantry, Lavcock, Leslie, LoFranco, Joseph MacDonald, McEachern, Pantelakos, Parolise, Pevear, Pucci, Quimby, Reese, Scamman, Freda Smith, Stickney and Woinowski.

STRAFFORD: Burchell, Ronald Chagnon, Drew, Gauvin, Hebert, Dianne Herche, James Herche, Joos, Lessard, Maglaras, McManus, Morrisette, Pine, Robinson, Sackett, Schreiber, Valley and Whitehead.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, Cutting, D'Amante, Domini, Lucas, Spanos and Williamson, and HCR 8 was read a third time and passed.

Third reading and final passage

HCR 8, concerning the budget of the United States.

RECONSIDERATION

Rep. Tucker moved that the House reconsider its action whereby it passed HCR 8 concerning the budget of the United States. Reconsideration lost.

COMMITTEE REPORTS (Cont.)

HB 571, relative to the place and time of detention of arrestees. Inexpedient to Legislate.

The Committee felt that there was no need to change the present system which has been in effect since 1965. In most cases, a person is released on personal recognizance or bail and there is no need for a hearing. The only time this comes into effect is if a person cannot meet bail. The Committee felt that in this case, a person who is assumed to be innocent should not have to stay in jail from Friday to Monday when court will next meet. This discriminates against the poor. Vote was 10-4. Rep. Thomas J. Pappas for Judiciary.

Resolution adopted.

HB 674, relative to the confidentiality of law enforcement investigative files. Inexpedient to Legislate.

Recent Supreme Court decision (Lodge v. Knowlton, Sept. '78) set up guidelines regarding the confidentiality of investigative files. HB 674 was drawn up by the Attorney General's Office and is not to their satisfaction as written. Committee voted 8-4 to let the court decision remain as the standard. Rep. Delight H. Reese for Judiciary.

Resolution adopted.

HB 353, establishing programs for displaced homemakers. Majority: Ought to Pass with Amendment. Minority (Rep. Robert E. Drew): Inexpedient to Legislate.

MAJORITY: This bill would establish two counseling and training centers for displaced homemakers. Designed to serve individuals not reached by existing agencies. These centers are badly needed. Vote was 12-5. Rep. Ernest J. Valliere for Majority of Labor, Human Resources and Rehabilitation.

MINORITY: The facilities and services that are to be enacted in this bill are already in existence including Equal Employment Affirmative Action Plan. Rep. Robert F. Drew for Minority of Labor, Human Resources and Rehabilitation.

Rep. Gould moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

(Rep. French in the Chair)

Reps. Head and Ward spoke against the motion and yielded to questions.

Rep. Drew spoke in favor of the motion and yielded to questions.

Rep. Nemzoff-Berman spoke against the motion.

A quorum count was requested.

The Chair declared a quorum present.

Rep. Drew moved that HB 353 be laid upon the table.

Motion lost.

Rep. Ward moved the previous question. Sufficiently seconded. Adopted.

Question being on the motion as offered by Rep. Gould that the words, Inexpedient to Legislate, be substituted for Ought to Pass with Amendment.

A roll call was requested. Sufficiently seconded.

(Rep. French presiding)

YEAS 110 NAYS 149

YEAS 110

BELKNAP: Birch, Downs and Morin.

CARROLL: Dickinson, Heath, Kenneth MacDonald and Towle.

CHESHIRE: Crane, Johnson, Matson, Miller, O'Connor and Scranton.

COOS: Elmer Beaulac, Burns, Horton, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Christy, Foster, LaMott, Logan, Low, Lowmes, McAvoy, McIver, Snell, Andrew Ware and Wood.

HILLSBOROUGH: Archambault, Arris, Wilfrid Boisvert, Bover, Burkush, Carswell, Compagna, Craig, Dolbec, Raymond Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Jamrog, Karnis, Armand Lemire, Mazur, Milton Meyers, Murray, Odell, Aime Paradis, Polak, David Ramsay, Paul Rilev, Sallada, Silva, Thiheault, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler and Zaidel.

MERRIMACK: Ayres, Bibbo, John Care, Daniell, Locke, Shepard and Waters.

ROCKINGHAM: Benton, Bishee, Carpenito, Roy Davis, Robert Day, Ellyson, Flanagan, Gibbons, Gould, Greene, Hoar, Jones, Kane, Kashulines, Lovejoy, Nelson, Newell, Schmidtchen, Schwaner, Sytek, Tavitian, Vlack and Warburton.

STAFFORD: Ronald Chagnon, Drew, Farnham, James Hercheck, Joos, Maglaras, Nadeau and Dennis Ramsey.

SULLIVAN: Brodeur, D'Amante, Domini, Sim Grav and LeBrun.

NAYS 149

BELKNAP: Beard, Bordeau, Bowler, Gary Dionne, Hanson, Hildreth, Mansfield, Matheson, Randall and Sanders.

CARROLL: Chase, Desjardins, Howard, Keller and Kenneth Smith.

CHESHIRE: Baybutt, Close, Daniel Eaton, Kohl, Margaret Ramsay and Vrakatisis.

COOS: Brungot, Chappell, Guay, Bradley Haynes, Mayhew, Oleson, Richardson and Theriault.

GRAFTON: Copenhaver, Dearborn, Michael King, Mann, Rounds, Seely, Taffe, Walter and Ward.

HILLSBOROUGH: Yvette Chagnon, Corey, Corser, Catherine-Ann Day, L. Penny Dion, Peter Flynn, Gelinas, Hall, Hardy, Head, Hendrick, Howard Humphrey, Thomas Hvnes, Kaklamos, Keefe, Lahomharde, Roland Lemire, Lvons, McCarthv, Morrison, Mulligan, Nemzoff-Berman, Pappas, Peter Paradv, Pastor, Plomaritis, Reidy, Roy, Spirou, Stahl, Stylianos, Francis Sullivan, James Sullivan, Rock Tremblay, Wallin, Welch, Robert Wheeler and James J. White.

MERRIMACK: Allgeyer, Bellerose, Blakenev, Bodi, Carroll, Epstein, Holliday, Kidder, LaBranche, Nichols, O'Neill, Paire, Plourde, William Roberts, Selway, Stio, Stockman, Stokes, Trachv, Rick Tromblv, Underwood, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Blanchette, Butler, Marilyn Campbell, Collins, Connors, Patricia Cote, Joseph Flynn, Carl Gage, Hartford, Jackson, Kozacka, Krasker, Lavcock, Leslie, LoFranco, Joseph MacDonald, Newman, Parolise, Parr, Peterson, Pevear, Quimby, Rogers, Skinner, Splaine, Strickney, Stimmell, Vartanian, Helen Wilson and Wojnowski.

STRAFFORD: Burchell, DeNafio, Hebert, Dianne Hercheh, Tessard, Morrisette, Sackett, Schreiber, Donald Smith, Valley and Whitehead.

SULLIVAN: Edmund Belak, David Campbell, Cutting, Lucas, Palmer, Spanos, Townsend and Tucker, and the motion lost.

Question being on the committee amendment.

Amendment

Amend RSA 275-D:3, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. The centers shall utilize the counselling resources available through community mental health services programs or any other existing agency under the direction of the commissioner of health and welfare pursuant to RSA 126-B to assist displaced homemakers in their adjustment from providing unpaid household services to locating appropriate job opportunities.

Amend RSA 275-D:7 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

275-D:7 Contributions. The director of each center may accept, use and dispose of contributions of money, service and property or any federal funds and private funds to implement this chapter.

Amendment adopted.

Ordered to third reading.

HB 536, relative to the right of employees to freely decide whether to support labor organizations. Majority: Inexpedient to Legislate. Minority (Reps. Gould, Nichols, Sallada, Schmidtchen and Tremblay): Ought to Pass.

Rep. Spirou moved that HB 536 be made a Special Order for Tuesday, April 24 at 2:00 p.m. and spoke to his motion.

(Speaker in the Chair)

Reps. Skinner and Dickinson spoke in favor of the motion.

Adopted.

HB 649, relative to legislative administration. Ought to Pass with Amendment.

As amended, this bill would set a definite limit on the number of free copies of Permanent Journals of the House and Senate that would go to libraries, the Supreme Court and the Secretary of State. The Speaker and the President would still be entitled to free copies for members, etc., but other state agencies would have to purchase them at their own expense. The vote on the bill as amended was eight in favor and four against. Rep. James J. White for Legislative Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the printing and distribution of the permanent legislative journals.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Printing and Distribution of Permanent Journals. Amend RSA 20:3-a (supp) as inserted by 1975, 480:2 by striking out said section and inserting in place thereof the following:

20:3-a Permanent Journals. The clerks of the senate and house of representatives shall at the close of each legislative session:

I. Cause such numbers of copies of the permanent journals with indexes as the president of the senate and speaker of the house shall respectively direct to be printed and bound in paper and in hard cover.

II. Distribute copies without charge as follows:

(a) One hard cover copy each to the library of congress and the secretary of state;

(b) Six hard cover copies to the state library for its own use and for the use of the law library and the supreme court;

(c) As many hard cover copies and paper bound copies as requested by the president of the senate and the speaker of the house.

III. Sell all other copies of the journals, paper or hard cover, at prices to be established by the respective presiding officers of the senate and the house.

2 Effective Date. This act shall take effect 60 days after passage.

Amendment adopted.

Ordered to third reading.

HB 1022, relating to supportive services for members of the general court. Inexpedient to Legislate.

The Committee had many questions about this bill including the additional cost involved, but neither sponsor appeared to testify or to answer questions. Should more specific proposals be forthcoming, they can be presented to the Appropriations Committee when it holds hearings on the budget bill. Nine members in favor of the Committee report and three against. Rep. David L. Gosselin for Legislative Administration.

Resolution adopted.

HB 812, amending the city charter of Franklin. Ought to Pass.
This bill gives the people of Franklin the right to petition without approval of the City Council. A referendum is required for any charter change. Vote was 8-7. Rep. Beverly A. Gage for Municipal and County Government.

Rep. LaBranche moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to his motion.

Reps. Trachy and Daniell spoke against the motion.

Rep. LaBranche requested a roll call. Sufficiently seconded.

(Speaker presiding)
YEAS 85 NAYS 189
YEAS 85

BELKNAP: Morin.

CARROLL: Heath and Keller.

CHESHIRE: Kohl and Miller.

COOS: Burns, Chappell, Guay, Horton, Richardson, Wiswell and York.

GRAFTON: Aldrich, Buckman, George Cate, Christy, Copenhaver, Low, Lounes, Mann, McAvoy, Thomson, Walter and Wood.

HILLSBOROUGH: Archambault, Wilfrid Boisvert, Boyer, Yvette Chagnon, Compagna, Joseph Cote, Craig, Beverly Dupont, Raymond Dupont, Gelinas, Sal Grasso, Karnis, Armand Lemire, Roland Lemire, Martel, Odell, Pappas, Podles, Polak, Silva, Soucy, Francis Sullivan, Weaver, Kenneth Wheeler and James J. White.

MERRIMACK: Allgever, Avles, Bellerose, Bibbo, Bodi, John Cate, James Humphrey, LaBranche, Locke, Mitchell, Randlett, Doris Riley, Shepard, Stockman, Rick Trombly and Waters.

ROCKINGHAM: Carpenito, Connors, Gibbons, Kashulines, Roger King, Kozacka, Nelson, Parolise, Peterson, Pevear, Stickney, Sytek and Tavitian.

STRAFFORD: Ronald Chagnon, Hebert, Nadeau, Dennis Ramsey and Schreiber.

SULLIVAN: Domini and Palmer.

NAYS 189

BELKNAP: Beard, Birch, Bordeau, Bowler, Gary Dionne, Downs, French, Hanson, Mansfield, Matheson and Sanders.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Crane, Daniel Eaton, Johnson, Matson, Moore, Nims, O'Connor, Proctor, Margaret Ramsay, Scranton, Vrakatitsis and Jean White.

COOS: Elmer Beaulac, Mayhew, Oleson, Theriault and Willev.

GRAFTON: Tra Allen, Foster, Michael King, LaMott, Logan, McIver, Pepitone, Rounds, Seely, Snell, Taffe, Ward and Andrew Ware.

HILLSBOROUGH: Arris, Bosse, Carswell, Corey, Corser, Catherine-Ann Dav, Dolbec, Joseph Eaton, Peter Flvnn, Gabrielle Gagnon, Nancy Gagnon, Granger, Guidi, Hall, Hardy, Heald, Hendrick, Howard Humphrey, Thomas Hynes, Jamrog, Kaklamanos, Keefe, Labomharde, Lefebvre, Lvons, Mazur, McCarthv, McLaughlin, Milton Meyers, Morrison, Nardi, Aime Paradis, Peter Paradv, Pastor, Plomaritis, David Ramsav, Paul Rilev, Roy, Sallada, Edward Smith, Leonard Smith, Stahl, James Sullivan, Thiheault, Wallin, Eliot Ware, Welch and Emma Wheeler.

MERRIMACK: Blakenev, Clements, Colby, Daniell, Epstein, Holliday, Kidder, O'Neill, Packard, Paire, William Roberts, Selway, Stio, Stokes, Trachy, Underwood and Wiviott.

ROCKINGHAM: Aeschliman, Benton, Bishee, William Boucher, Butler, Marilyn Campbell, Collins, Patricia Cote, Roy Davis, Robert Dav, Dunfev, Ellvson, Joseph Flynn, Carl Gage, Greene, Hartford, Hoar, Jackson, Jones, Kane, Krasker, Landry, Leslie, LoFranco, Lovejoy, Joseph MacDonald, McFachern, Newell, Newman, Pantelakos, Parr, Pucci, Quimby, Reese, Rogers, Scamman, Schwaner, Freda Smith, Stimmell, Vartanian, Vlack, Helen Wilson, Wojnowski, Wolfsen and Woodman.

STRAFFORD: Burchell, Canney, DeNafio, Farnham, Dianne Herckek, James Herckek, Lessard, McManus, Morrisette, Pine, Prav, Robinson, Sackett, Donald Smith, Vallev and Whitehead.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, Cutting, D'Amante, Sim Crav, LeBrun, Lucas, Spanos, Spaulding, Townsend, Tucker and Williamson, and the motion lost.
Ordered to third reading.

HB 600, relative to obtaining a peddlers license. Ought to Pass with Amendment.
As amended, this bill requires peddlers to get a certificate of good character from police chief (or Board of Selectmen where there is no police chief) prior to being licensed by the Secretary of State. Unanimous vote of Committee.
Vote was 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

Amendment

Amend RSA 320:8, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. Upon compliance with this section and upon payment of \$35 for a state license, the secretary of state may grant special state licenses. Applications for such licenses shall be made upon blanks prepared by the secretary of state requiring such information regarding the applicant's character and qualifications as the secretary shall deem pertinent. No such license shall be issued unless the application is accompanied by a certificate signed by the chief of police of the city or town and if there shall be no police chief that the board of selectmen of the town in this state in which the licensee shall begin operating, stating that the applicant for a license is a person of good moral character and in good standing in New Hampshire.

Amendment adopted.

Ordered to third reading.

HB 680, requiring administrators and executors to notify towns and cities of those persons coming into ownership of real estate therein by inheritance or devise. Ought to Pass.

Vote was 7-3. Rep. Natalie S. Flanagan for Statutory Revision.

Ordered to third reading.

HB 671, relative to requiring approval by local option for siting of nuclear generating facilities. Refer to Committee on Environment and Agriculture for Interim Study.

Committee feels siting of nuclear facilities should come under careful scrutiny which press of time does not allow. Interim study would give ample opportunity to consider all factors involved. Vote was 14-0. Rep. Myrtle B. Rogers for Environment and Agriculture.

Referred to the Committee on Environment and Agriculture for Interim Study.

HB 779, relative to the siting of nuclear facilities. Refer to Committee on Environment and Agriculture for Interim Study.

Committee feels siting of nuclear facilities should come under careful scrutiny press of time does not allow. Interim study would give ample opportunity to consider all factors involved. Vote was 14-0. Rep. Myrtle B. Rogers for Environment and Agriculture.

Referred to the Committee on Environment and Agriculture for Interim Study.

HB 642, requiring public utilities to maintain for public inspection a list of certain stockholders who are public officials. Inexpedient to Legislate.

HB 642 discriminates against owners of public utility stock and the Committee

was told it would be difficult to administer. May be contrary to Article 2 of New Hampshire Constitution Bill of Rights. Vote was 9-1. Rep. Natalie S. Flanagan for Statutory Revision.

Resolution adopted.

HB 722, abolishing the election of county commissioners by district in Carroll county. Ought to Pass.

This bill has the approval of the Carroll County Delegation and Commissioners. Therefore the Committee felt that it ought to Pass because it only affects Carroll County. Vote was 14-0. Rep. Beverly A. Gage for Municipal and County Government.

Ordered to third reading.

Reps. Heath and Rod Allen wished to be recorded against HB 722.

HB 744, relative to the reinstatement of Brodhead Ford Sales, Inc. Ought to Pass. Bill reinstates Brodhead Ford Sales, Inc. as a charter corporation upon payment of fees in arrears and filing of all returns required by law. Unanimous vote (10-0). Rep. Natalie S. Flanagan for Statutory Revision.

Rep. Peter Flynn offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the reinstatement of certain corporations.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Repeal of Dissolution and Reinstatement of Mar-Con Trading Corporation. Amend 1977, 564:1 by striking therefrom the name of Mar-Con Trading Corporation (Seabrook, 1975) as a corporation whose charter is repealed, revoked and annulled. Upon payment of any fees in arrears and the filing with the secretary of state of any returns required by law, Mar-Con Trading Corporation shall be hereby reinstated for all purposes as a New Hampshire corporation, and this reinstatement shall be retroactive to the effective date of 1977, 564:1, July 15, 1977.

3 Effective Date. This act shall take effect upon its passage.

The Clerk read the amendment.

Rep. Peter Flynn spoke to his amendment.

Rep. Flanagan spoke in favor of the amendment and yielded to questions.

Amendment adopted.

Ordered to third reading.

HB 643, relative to public recreation and parks. Ought to Pass.

This bill is enabling legislation that allows municipalities to update the

current statutes, which are outdated. Vote was 12-0. Rep. Philip C. Heald, Jr. for Resources, Recreation and Development

Rep. Williamson offered an amendment.

Amendment

Amend RSA 35-B:3, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. To acquire, hold and dispose of real and personal property; provided, however, the disposal of any real property shall have prior approval of the appropriate legislative body.

The Clerk read the amendment.

Rep. Williamson spoke to his amendment and yielded to questions.

Rep. Corser yielded to questions.

Reps. Heald and Nancy Gagnon spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 849, relative to review of lawyer's moral qualifications. Inexpedient to Legislate.

Judgment of moral character and suitable qualification of a prospective attorney is presently done by a Committee appointed by the Supreme Court. Determination of suitable qualifications is highly technical and therefore lay persons could not make judicious assessments. Committee vote was 12-0. Rep. Minnie F. Carswell for Judiciary.

Rep. Schwaner moved that HB 849 be made a Special Order for Tuesday, April 24 and spoke to her motion.

On a voice vote, the Speaker was in doubt and requested a division.

111 members having voted in the affirmative, and 135 in the negative, the motion lost.

Question being on the committee report, Inexpedient to Legislate.

Rep. Bosse yielded to questions.

Resolution adopted.

Rep. Head notified the Clerk that she wished to be recorded in favor of the committee report.

SUSPENSION OF RULES

Rep. Tucker moved that the rules be so far suspended as to permit consideration at the present time of SB 9, relative to the replacement of windows in the state house annex and the powers of the subcommittee for the handicapped and making an appropriation therefor.

Reps. LaMott and William Boucher spoke in favor of the motion.

Adopted by the necessary two-thirds.

SB 9, relative to the replacement of windows in the state house annex and the powers of the subcommittee for the handicapped and making an appropriation therefor. Ought to Pass.

This is an emergency appropriation for repairs to the state house annex necessitated by the recent fire, of which members are all aware. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

Rep. Farnham moved that HB 204, establishing centralized microfilming for the state and making an appropriation therefor, be removed from the table.

Adopted.

Rep. Farnham moved that HB 204 be referred to the Committee on Executive Departments and Administration for Interim Study and spoke to his motion.

Adopted.

Referred to the Committee on Executive Departments and Administration for Interim Study.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Tuesday, April 24 at 9:30 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 846, increasing the bonding authority of the New Hampshire housing finance agency and increasing the number of members of said agency.

HB 216, creating the criminal offense of evading pursuit by a law enforcement officer and relative to the use of emergency lights on vehicles.

HB 381, amending the ski liability act.

HB 393, relative to the salaries of justices of the district court.

HB 564, relative to sentencing in criminal cases.

HB 589, relative to the interest rate on judgments.

HB 596, adopting certain uniform amendments to Article 9 of the uniform commercial code.

HB 645, permitting wiretapping with one party consent in certain limited cases.

HB 650, making certain gambling offenses a felony.

HB 774, establishing procedures for class actions in state courts.

HB 775, relative to service of affidavits.

HB 776, providing for reciprocal rights of alimony enforcement for husband and wife.

HB 786, establishing a 5 member committee to study the possibility of developing a uniform comprehensive definition of residency.

HB 800, relative to the office space study committee.

HCR 14, relative to naming the Richard D. Hanson hall in the legislative office building.

HB 547, authorizing cities and towns to control the timing of development.

HB 568, providing for exemption of machinery and equipment from the property tax.

HB 653, relative to prepayment of resident taxes.

HB 657, relative to inventory blanks.

HB 684, relative to legal fees charged by county attorneys.

HB 712, permitting certain town meetings to be held outside the boundaries of the town.

HB 722, abolishing the election of county commissioners by district in Carroll county.

HB 728, relative to municipal permit fees for automobile registration.

HB 871, legalizing the Hanover town meeting.

HB 428, mandating certain criteria to be utilized by the water supply and pollution control commission in approving percolation tests, secondary filtration and purification capacity.

HB 643, relative to public recreation and parks.

HB 744, relative to the reinstatement of certain corporations.

HB 353, establishing programs for displaced homemakers.

HB 649, relative to the printing and distribution of the permanent legislative journals.

HB 812, amending the city charter of Franklin.

HB 600, relative to obtaining a peddlers license.

HB 680, requiring administrators and executors to notify towns and cities of those persons coming into ownership of real estate therein by inheritance or devise.

SB 9, relative to the replacement of windows in the state house annex and the powers of the subcommittee for the handicapped and making an appropriation therefor.

Rep. French moved that the House stand in recess from time to time for the sole purpose of introducing bills and enrolling reports and that when the House adjourns today, it be to meet Tuesday, April 24 at 9:30 a.m.

RECFSS

ENROLLED BILLS REPORT

SB 9, relative to the replacement of windows in the state house annex and the powers of the subcommittee for the handicapped and making an appropriation therefor.

Sen. James Saggiotes
For the Committee

Rep. French moved that the House adjourn.
Adopted.

HOUSE JOURNAL 28

Tuesday 24Apr79

The House met at 9:30 a.m.

Prayer was offered by the House
Chaplain, Rev. William L. Quirk.

Let us pray:

O Lord, our God, we know of Your
gracious care for all of us. With
confidence, we call on Your name to provide
for our individual needs and those of the
people we serve.

Father, You are our refuge through all
our days and we need Your assistance through
all that is difficult and even what seems to
us to be impossible.

May we receive Your spirit of counsel
and wisdom, Your gracious concern over all
our actions, and Your continual presence
among us always. Amen.

Rep. Schwaner led the Pledge of
Allegiance.

LEAVES OF ABSENCE

Reps. Close, John Winn, Fisher, Cotton,
Gordon, Downs, Hunt, Nemzoff-Berman and
Emile Boisvert, the day, illness.

Reps. Burrows, Meader, Lynch, Roland
Lemire, Tufts, Nims, Laurent Boucher,
Vachon, Buckman, Tucker, Kaklamanos,
Griffin, Levesque, Willey and Allen Wilson,
the day, important business.

Rep. Keller, the day, death in the
family.

Reps. Dwerniak, Belak and Cecelia Winn,
the day, illness in the family.

INTRODUCTION OF GUESTS

Former Representative, Norman Lawrence,
and his two daughters, Mary and Marion,
guests of the Pelham Delegation; Tom
McTague, 5th grade student from
Peterborough, guest of Rep. Murrav; 5th
grade students from Bernice Rav School in
Hanover and their teachers and parents,
guests of the Hanover Delegation; Mr. and
Mrs. Charles Hildreth and Susan Hildreth,
parents and sister of Rep. Hildreth; Sidney
Hall, Jr., son of Rep. Hall; Lisa
Copenhaver, daughter of Rep. Copenhaver; Mr.
Francis Parker, guest of William Riley; Mrs.
June Brown and her daughter, Nancy, guests
of Rep. Mansfield.

SENATE MESSAGES

CONCURRENCE WITH HOUSE AMENDMENT

SB 41, relative to reserve requirements
for banks.

NONCONCURRENCE

HB 268, to require motor vehicles
carrying property for hire to submit

competitive bids when they contract with
state departments.

HB 262, relating to fluoride use
referenda.

HB 163, relative to interest charges on
unpaid public utility bills.

CONCURRENCE

HB 85, relative to borrowing in
anticipation of funds in fish and game fund
and fish and game projects supported by
federal funds obtained under the
Pitman-Robertson Act and making an
appropriation therefor.

HB 206, relative to licensing fees for
the registration of dogs owned by persons 65
years of age or older.

HB 230, relative to exempting certain
facilities from nursing home licensing
requirements.

RECESS

The Speaker requested a quorum count.

The Speaker declared a quorum present.

COMMITTEE REPORTS

(Consent Calendar)

Rep. French moved that the Consent
Calendar, with the relevant committee
amendments, be adopted as printed in today's
House Record.

HB 795 and HCR 3 were removed from the
Consent Calendar at the request of Rep. Hall.

HB 696 was removed from the Consent
Calendar at the request of Rep. Head.
Adopted.

HB 535, relative to the renewal of
registration of pharmacies. Inexpedient to
Legislate.

Since the Commission of Pharmacy would
be unable to appropriate the funds to
oversee this program until 1983 the
Committee felt that 1979 was too soon to
act on this. Vote was 12-0. Rep.
Phyllis J. Pucci for Commerce and
Consumer Affairs.

HB 637, requiring posters listing the
200 most commonly prescribed drugs.
Inexpedient to Legislate.

The subcommittee recommends Inexpedient
to Legislate because it required the
Director of Public Health to issue
posters with the 200 most common drugs.
The Director claims he has no funds to
make these posters with the funds
available. Vote was 12-0. Rep. James
L. Logan for Commerce and Consumer
Affairs.

HB 664, to require the posting of
innkeepers' room rates. Ought to Pass.
Vote 12-0 for Ought to Pass. There have
been complaints as to room rates being
changed even daily according to amount
of business. Some operators use high
prices to bargain, but will take lower
prices if customer complains. Customers
should know rates are consistent.
Present system gives a bad name to our
State to tourists so treated. With
tourism a major industry we should

protect their right to equal and fair treatment. Special rates for seasonal rate changes are allowed within the bill if such dates of changes are also posted. Rep. William L. Roberts for Commerce and Consumer Affairs.

HB 669, relative to auctions. Ought to Pass.

This bill determines that an auction be an auction and that pre-priced items not be allowed in an advertised auction sale. Vote was 12-0. Rep. Phyllis J. Pucci for Commerce and Consumer Affairs.

HB 689, relative to the insurance agents' grievance committee holding hearings on termination of agents' contracts. Ought to Pass.

This bill corrects a law passed in the last session on agents' grievance committee. First, it makes it clear that this law only applies to property and casualty agents and, second, it corrects the name of two of the organizations which serve on this committee. Vote was 12-0. Rep. Harold W. Burns for Commerce and Consumer Affairs.

HB 698, relative to listing of ingredients contained in prescription drugs. Inexpedient to Legislate.

The Subcommittee recommends Inexpedient to Legislate for this bill as the pharmacists feel it would be impossible and confusing for the public to comply. Vote was 12-0. Rep. James L. Logan for Commerce and Consumer Affairs.

HB 706, relative to labeling of prescription drugs. Inexpedient to Legislate.

The subcommittee recommends Inexpedient to Legislate because pharmacies already comply with the dosage amount and instructions on the label, but would be impossible to comply with possible side effects on label of prescription. Vote was 12-0. Rep. James L. Logan for Commerce and Consumer Affairs.

HB 735, providing a penalty for noncompliance with requirements for posting of certain prescription drug prices. Ought to Pass.

The subcommittee recommends the passage of this bill as it strengthens present law with a penalty to enforce it. Non-compliance makes this a violation. Vote was 12-0. Rep. James L. Logan for Commerce and Consumer Affairs.

HB 761, relative to courtesy deliveries by registered automobile dealers. Ought to Pass.

Position of Committee was unanimous (12-0) after hearing testimony including that of affected state agencies. There was an overwhelming indication that the best interests of New Hampshire vehicle operators would be served by passage. Rep. Catherine G. Lamy for Commerce and Consumer Affairs.

HB 781, relative to the public utilities commission and its authority to contract for electrical power. Ought to Pass.

This bill will allow the Public Utilities Commission to attempt to obtain power from Canada by extending the authority it now has to contract with the New York Power Authority. Vote was 12-0. Rep. Edward J. Allgeyer for Commerce and Consumer Affairs.

HB 787, relative to the disconnection of utility service by public utilities during certain winter months. Inexpedient to Legislate.

This bill is inexpedient to legislate at sponsor's request. The problem is going to be solved with regulation. Vote was 12-0. Rep. Catherine G. Lamy for Commerce and Consumer Affairs.

HB 813, relative to compulsory motor vehicle liability insurance. Inexpedient to Legislate.

This bill would not assure the people of New Hampshire that they are protected from uninsured motorists. The Committee feels New Hampshire's uninsured motorist law is the best solution to this problem. Vote was 10-2. Rep. Edward J. Allgeyer for Commerce and Consumer Affairs.

HB 822, relative to investment by savings banks in mobile home and motor home loans. Ought to Pass.

This bill lengthens maximum terms of mobile home and motor home loans to compensate for inflation's impact on costs and monthly payments. Vote was 12-0. Rep. Catherine G. Lamy for Commerce and Consumer Affairs.

HB 1013, relating to interest rate charges on revolving charge accounts. Refer to Committee on Commerce and Consumer Affairs for Interim Study.

The Committee and the sponsor are going to work on the problem in the interim. This bill is a vehicle to study revolving charge accounts. Vote was 12-0. Rep. Catherine G. Lamy for Commerce and Consumer Affairs.

HB 733, relative to the public making oral presentations on matters presented in meetings open to the public. Inexpedient to Legislate.

The sponsors may have grounds for complaint. However, the Committee felt this bill did not answer the problem. Unanimous vote. Rep. Joseph M. Eaton for Constitutional Revision.

HB 797, relative to the operation of mobile home parks by owners and operators. Ought to Pass.

This bill might be regarded as a "Bill of Rights" for tenants of mobile home parks. Presently, they have little recourse if conditions in a park are unsatisfactory. Bill requires owners and operators to provide tenants with an opportunity to be heard on proposed charge increases, prohibits owners and operators from charging tenants for park

expansions unless they benefit directly and allows them to contract for a utility of their own choosing, if none is provided by the park. Vote was 13-1. Rep. Joseph M. Eaton for Constitutional Revision.

HB 798, relative to the authority of off-duty law enforcement officers. Inexpedient to Legislate.

The Committee felt there was too much chance of abuse, should this law pass. The limits of power were not clearly defined. Vote was 13-1. Rep. Beverly A. Dupont for Constitutional Revision.

HB 833, relative to judicial review of zoning board and board of adjustment decisions. Ought to Pass.

Presently, local boards are being overruled by the courts due to their interpretation of the word "unjust." Bill removes "unjust" and substitutes "unreasonable." Rep. Joseph M. Eaton for Constitutional Revision.

HB 658, concerning the state college and university system. Refer to Committee on Education for Interim Study.

HB 658 was referred to a subcommittee to review this comprehensive "technical update" of the statutes dealing with the state college and university system. There are enough questions and concerns left to be addressed by a study of the House Education Committee. If the bill is to update the present statutes, the Committee wants to be sure this is done correctly. The vote was 13-1. Rep. Teresa L. DeNafio for Education.

HB 725, allowing cities and towns to adopt a provision requiring tuition payments for public school students residing on certain tax-exempt property. Inexpedient to Legislate.

This problem is considered as a strictly local problem and can be resolved by the people involved. Vote was 11-0. Rep. Sim R. Gray for Education.

HB 729, amending the charter of New England College. Ought to Pass.

HB 729 will enable New England College to function as a nonprofit corporation as other colleges do. It remains subject to the same authority of the Commission on Post-Secondary Education as do other colleges regarding degree-granting powers. The vote was 13-0. Rep. Iris Valley for Education.

HB 2015, relating to the university system board of trustees. Refer to Committee on Education for Interim Study.

The Committee was in favor of this HB by an 11-0 vote, but since the deadline for introduction of bills has passed, the recommendation is Interim Study. It expresses a need for a review of the size and composition of the University System Board of Trustees. Rep. Mable G. Cutting for Education.

HB 632, relative to the packaging of ice cream. Inexpedient to Legislate.

Federal packaging regulations which will be in effect July 1, 1979 have already addressed this situation. Vote was 9-3. Rep. Myrtle B. Rogers for Environment and Agriculture.

HB 639, relative to making certain community garden land applicable to current use taxation and amending the definition of farm land. Inexpedient to Legislate.

Subject matter covered under HB 723. Vote was 13-0. Rep. Myrtle B. Rogers for Environment and Agriculture.

HB 764, relative to current use. Refer to Committee on Environment and Agriculture for Interim Study.

Bill has much merit. The changes in the current use requirements established in the bill need more careful scrutiny than present time allows. Committee would appreciate being able to review this more carefully. Vote was 13-0. Rep. Myrtle B. Rogers for Environment and Agriculture.

HB 841, relative to thoroughbred horse breeding. Inexpedient to Legislate.

The Committee recognizes there is a concern about the future of racing in New Hampshire, but does not think HB 841 is in the best interest of the State. The whole racing industry is going to be studied by the Sunset Process during the coming year. Vote was 13-1. Rep. Emma B. Wheeler for Environment and Agriculture.

HCR 13, relative to initiating a state-wide agricultural production and food policy. Ought to Pass.

With 15% of New Hampshire employees in farm related businesses, it is reasonable to expect the state to develop an agricultural production and food policy. Vote was 14-0. Rep. Myrtle B. Rogers for Environment and Agriculture.

HB 746, relative to removing the exemption of the personnel commission from the administrative procedures act. Ought to Pass.

The Committee felt that the Personnel Commission should not be exempt from the Administrative Procedures Act. Unanimous vote of Committee. Rep. Stuart D. Trachy for Executive Departments and Administration.

HB 874, abolishing the commission on the status of women. Inexpedient to Legislate.

The Committee feels that legislation previously passed during this Session deals with any past problems with this Commission. This bill would prevent the Commission from doing an important job. Vote was 12-1. Rep. Ruth Nemzoff-Berman for Executive Departments and Administration.

HB 2018, relative to the athletic commission. Refer to Committee on Executive Departments and Administration for Interim Study.

In the future the duties and responsibilities of the Athletic Commission may need to be expanded. The Committee therefore felt the need for such a study. Vote was 12-0. Rep. David J. Farnham for Executive Departments and Administration.

HRT 2017, relating to creating a marine division to control, regulate and manage all salt water fishing in the state. Refer to Committee on Fish and Game for Interim Study. This bill is very similar to HRT 2009. The Committee recommends it be sent to interim study in order that both bills of intent be studied at the same time. Vote was 17-0. Rep. John H. Stimmell for Fish and Game.

HB 489, relative to the health and welfare advisory commission. Refer to Committee on Health and Welfare for Interim Study.

The Committee felt that circumstances have changed since the Commission was first established in 1962 and the whole make-up of the Commission needs to be studied further. Vote was 16-0. Rep. Marion L. Copenhaver for Health and Welfare.

HR 599, concerning confidentiality of welfare records. Refer to Committee on Health and Welfare for Interim Study.

Because of pending clarification of federal regulations it was agreed this bill should be the subject of further study. Vote was 12-4. Rep. Marion L. Copenhaver for Health and Welfare.

HB 678, establishing a statewide health coordinating council, designating a state health planning and development agency and prescribing their powers and duties. Ought to Pass with Amendment.

This bill establishes the Statewide Health Coordinating Council and the Office of Health Planning and Development by statute. Presently, State Health Coordinating Council and Office of Health Planning and Development are authorized by a budget footnote only. Vote was 13-1. Rep. Roma A. Spaulding for Health and Welfare.

Amendment

Amend RSA 126-A:65, VII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VII. Review annually and approve or disapprove any state plan and any application, and the revisions of any state plan and any application, submitted to the secretary as a condition to the receipt of federal funds made available under allotment to New Hampshire under the United States Public Health Services Act, the Community Mental Health Centers Act, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act or the Drug Abuse Office and Treatment Act of 1972;

Amend RSA 126-A:66 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

126-A:66 SHCC Budget and Appropriation. The director of the OHPD or his designee shall serve as the non-voting secretary of the SHCC and the director of the OHPD shall be responsible for developing appropriate staffing patterns and supervising all office staff and assistance provided to the SHCC.

Amend RSA 126-A:74, V as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

V. OHPD shall by written agreement with the bureau of vital records and health statistics assure that OHPD has data through the cooperative health statistics system and to assure that such data will be made available to the HSA.

Referred to Appropriations.

HB 718, relative to nursing homes. Refer to Committee on Health and Welfare for Interim Study.

This bill is too important a bill to make a hurried decision on, so the Committee feels it would like to take a better look at it in a study committee. Vote was 13-0. Rep. Gertrude L. Butler for Health and Welfare.

HB 737, deleting the terms defective and delinquent from the duties of the division of welfare. Ought to Pass.

The term "defective" is archaic and the term "delinquent" is not appropriate to Health and Welfare because anyone adjudicated delinquent is dealt with within the judicial system. Vote was 15-1. Rep. Marion L. Copenhaver for Health and Welfare.

HB 765, relative to child support enforcement. Inexpedient to Legislate. Jailing of person for non-payment of child support is in no way comparable to long ago abolished debtors' prison. Unanimously opposed by Board of Governors of New Hampshire Bar Association at its April 13th meeting. Opposed by the Division, within Welfare charged with collecting support payments, from the parent charged with support since it would remove leverage of possible jail sentence as an inducement to pay court ordered support. In addition, actual jailing is under a contempt of court proceeding. Vote was 17-0. Rep. Fred E. Murray for Health and Welfare.

HB 770, relative to the registration of adult boarding homes. Refer to Committee on Health and Welfare for Interim Study.

The Committee feels this needs to be studied. The state may be missing out on HUD funds if this bill is passed. Further study recommended. Vote was 14-0. Rep. Eleanor F. Carpenito for Health and Welfare.

HB 788, relative to lead paint poisoning in dwellings. Ought to Pass. Lead paint is toxic, and this bill will aid the Department of Public Health eliminate the problem of children ingesting the substance. Vote was

14-0. Rep. Peter R. Selway for Health and Welfare.

HB 796, to improve services to the developmentally impaired. Ought to Pass with Amendment.

The bill amends RSA 171-A to allow implementation of the plan to establish services for the developmentally impaired in the communities. Vote was 14-0. Rep. Matthew S. Epstein for Health and Welfare.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Title Changed. Amend the title of RSA 171-A by striking out said title and inserting in place thereof the following:

Services for the Developmentally Impaired

2 Word Changes.

1. Amend the following provisions of RSA 171-A by striking therefrom the words "developmental disability", "developmental disabilities" and "developmentally disabled" and inserting in place thereof the following (developmental impairment, developmental impairments and developmentally impaired), respectively: 171-A:1, 2, 4, 5, 13 and 14.

II. Amend the following provisions of RSA 171-A by striking therefrom the words "fixed point of referral" and inserting in place thereof the following (area agency): RSA 171-A:5; 6, I, II and III; 7; and 10, I.

3 Decision by Legal Guardian. Amend RSA 171-A:2, XI, as inserted by 1975, 242:1 by inserting in line 2 after the word "client" the following (or, where appropriate, his legal guardian) so that said paragraph as amended shall read as follows:

XI. "Informed decision" means a choice made by a client or potential client or, where appropriate, his legal guardian that is reasonably certain to have been made subsequent to a rational consideration on his part of the advantages and disadvantages of each course of action open to him.

4 Mental Illness Defined. Amend RSA 171-A:2, XIII, as inserted by 1975, 242:1 by striking out said paragraph and inserting in place thereof the following:

XIII. "Mental Illness" means mental illness as defined in RSA 135-B:2, XII.

5 Definitions Added. Amend RSA 171-A:2 by inserting after paragraph I the following new paragraphs:

I-a. "Area" means a geographic region defined and designated by the director for the purpose of providing services to developmentally impaired persons.

I-b. "Area agency" means an entity established as a nonprofit corporation in the state of New Hampshire which is designated by the director to provide services to developmentally impaired persons in the area.

I-c. "Area board" means the governing body or board of directors of an area agency.

6 Termination of Service. Amend RSA 171-A:8, II, as inserted by 1975, 242:1 by striking out said paragraph and inserting in

place thereof the following:

II. In every instance of termination, the administrator shall refer the client to the area agency which, in turn, shall recommend an appropriate placement, or he responsible for contacting the client at regular intervals after termination for as long as deemed necessary.

7 New Subdivision. Amend RSA 171-A by inserting after section 17 the following new subdivision:

Miscellaneous

171-A:18 Area Agency Responsibilities and Operations.

1. The director may designate for each area one area agency which shall be responsible for administering area-wide programs and services for developmentally impaired persons. Each area agency so designated shall be the primary recipient of funds that may be dispensed by the director for use in establishing, operating or administering such programs and services. The programs and services for which an area agency is responsible include, but are not limited to, diagnosis and evaluation, case management, community living arrangements, sheltered workshops, work activity programs, day care, and programs designed to enhance personal and social competence.

II. With the approval of the commissioner, the director may enter into contracts with, make grants to, or otherwise make funds available to each area agency for the provision of programs and services to developmentally impaired persons: Subject to the written approval of the director, an area agency may enter into contracts with private individuals or nonprofit organizations for the expenditure of portions of such funds on programs and services for developmentally impaired persons.

III. Each area board shall appoint an executive director who shall be accountable to the board for administering the area-wide programs and services for developmentally impaired persons. The executive director shall serve at the pleasure of the area board.

IV. The director shall, in accordance with RSA 541-A, adopt rules establishing standards for the provision of services by area agencies to developmentally impaired persons. The director shall further adopt rules establishing standards relating to the professional qualifications of the executive director of the area board and to the size and composition of area boards in order to assure that membership is representative of the area as a whole and reflects the concerns and interests of developmentally impaired persons and their families.

V. With such frequency as may be determined by the director, each area agency shall prepare and submit to the division for approval a plan for provision of programs and services to developmentally impaired persons who live in the area, who are former residents of the area but are now residing at Laconia state school and training center, or who are present residents of Laconia state school and training center but are expected to relocate in the area.

VI. The division of mental health shall assume all or any part of the responsibilities provided for in paragraphs I and II at any time during which an area agency is not designated.

171-A:19 Client Services Section. A client services section shall be established in the division of mental health. Its functions and responsibilities shall include but not be limited to:

I. Assisting the director in responding to inquiries and complaints by or on behalf of mentally ill or developmentally impaired persons.

II. Assisting the director in securing needed services and information for mentally ill persons, developmentally impaired persons, or their respective families.

III. Assisting the director in assuring that the human rights of mentally ill persons and of developmentally impaired clients in the service delivery system are protected.

8 Membership Criteria Changed. Amend RSA 171-A:17, I, as inserted by 1975, 242:1 by striking out said paragraph and inserting in place thereof the following:

I. The director shall establish, in each program or service deemed appropriate, a human rights committee of 5 or more persons. The majority of the members of each human rights committee shall be persons who represent the interests of developmentally impaired clients and who are not employees of the department. The members of human rights committees shall be appointed by the director.

9 Repeal. The following are hereby repealed:

I. RSA 126-A:35, relative to establishing an office of mental retardation.

II. RSA 126-A:36, relative to the duties of the office of mental retardation.

III. RSA 126-A:37, relative to the staff of the office of mental retardation.

IV. RSA 126-A:37-a, relative to the social service section of the office of mental retardation.

V. RSA 126-A:37-b relative to the staff of the social service section of the office of mental retardation.

VI. RSA 126-A:37-c, relative to the duties of a family resources consultant.

VII. RSA 126-A:38, relative to the establishment of a bureau of family care.

VIII. RSA 126-A:42, relative to the supervision of patients.

IX. RSA 171-A:2, VIII and XV, relative to the fixed point of referral and the office of mental retardation.

10 Subdivision Title Changed. Amend the RSA by striking out the subdivision title after RSA 126-A:37-c and inserting in place thereof the following:

Community Living Facilities

11 Community Living. Amend RSA 126-A:39 (supp) as inserted by 1967, 430:1 as amended by striking out said section and inserting in place thereof the following:

126-A:39 Duties and Functions of Division of Mental Health. The director shall develop a statewide program of community living facilities for developmentally impaired and mentally ill

persons. In connection therewith, the director shall be responsible for the selection, certification and monitoring of such community living facilities. The director shall also be responsible for prior approval of all individual residential placements and monitoring of the care, treatment and habilitation provided to all residents of community living facilities. Placements of children shall be consistent with RSA 170-A, 170-C and 170-D, as appropriate. Approval by the director of an individual for placement in a community living facility shall be based on a finding by the director that the community living facility is the least restrictive environment appropriate to the needs of the individual. "Least restrictive environment" means the facility, program or service which least inhibits a person's freedom of movement, freedom of choice, and participation in the community, while achieving the purposes of habilitation and treatment as defined in RSA 171-A.

12 Eligibility. Amend RSA 126-A:40 (supp) as inserted by 1967, 430:1 as amended by striking out said section and inserting in place thereof the following:

126-A:40 Standards and Certification for Community Living Facilities. The director of mental health shall establish standards to govern the establishment and operation of community living facilities. The certification of community living facilities shall be based on these standards. No placements shall occur in the absence of such certification. The director may withdraw certification at any time he has reasonable cause to believe that there exist violations of federal, state or local law or of division rules adopted pursuant to RSA 541-A establishing standards pertaining to community living facilities. Certifications shall be subject to periodic review and renewal by the director.

13 Payments. Amend RSA 126-A:41 (supp) as inserted by 1967, 430:1 as amended by striking out said section and inserting in place thereof the following:

126-A:41 Rates for Community Living Facilities. The director of mental health shall establish rates sufficient to provide a reasonable subsistence compatible with decency and health for persons in placement under this program. Payments hereunder may be made monthly by the director from available funds.

14 Facility Types. Amend RSA 126-A:42-a (supp) as inserted by 1977, 188:2 by striking out said section and inserting in place thereof the following:

126-A:42-a Types of Community Living Facilities. Community living facilities shall include foster homes, group homes, half-way houses, or other types of residential facilities which have been certified by the division of mental health.

15 Contracting Criteria. Amend RSA 126-A:42-b (supp) as inserted by 1978, 45:5 by striking out said section and inserting in place thereof the following:

126-A:42-b Authority to Contract. The director of mental health may, with the approval of the commissioner of health and welfare, contract with area agencies, as defined in RSA 171-A, or community mental

health programs, as defined in RSA 126-B, for the performance of the duties and functions defined in RSA 126-A:39 and for payments as described in RSA 126-A:41. In connection therewith, the director may provide funds to such area agencies and community mental health programs for carrying out the purposes of this subdivision.

16 Part of System. Amend RSA 126-A by inserting after section 42-b the following new section.

126-A:42-c Placement. Community living facilities serving developmentally impaired persons shall be considered a part of the service delivery system as defined in RSA 171-A.

17 Funds. All monies appropriated to the bureau of community living and to the office of mental retardation and all monies available to them from any source are hereby transferred to provide for similar services within the division of mental health, department of health and welfare.

18 Personnel, Property, etc. The personnel, property and records of the bureau of community living and the office of mental retardation are hereby transferred to similar positions within the division of mental health, department of health and welfare. The transfers herein provided shall not eliminate any existing position within the classified service unless such position shall be vacant or, if filled, its incumbent has been transferred to an equivalent or higher paid position of like tenure. No permanent classified state employee shall be required to take an examination to remain in his position. Unclassified employees within the bureau of community living and the office of mental retardation shall also be transferred to similar positions within the division of mental health, department of health and welfare and no vacancies in such positions are created by this act.

19 Effective Date. This act shall take effect July 1, 1979.

Referred to Appropriations.

HB 852, relative to the termination of parental rights. Ought to Pass.

Request of Division of Welfare to expedite placement of foster children into permanent homes, which are waiting for them, under the adoptive care act. Vote was 13-1. Rep. Fred E. Murrav for Health and Welfare.

HB 848, providing for review of bar examination results. Inexpedient to Legislate.

The Committee felt it was unnecessary to create the kind of appellate review process described in the bill. Unsuccessful applicants are supplied ample information by the Board of Bar Examiners and may presently appeal to the Supreme Court for review of the exam results. Unanimous vote. Rep. Donna P. Sytek for Judiciary.

HBI 2026, relative to certain maintenance contracts for the state house complex. Refer to Committee on Legislative

Administration for Interim Study.

To cause a study to be made of the present system of contractual services for maintenance of State House, Annex and Legislative Office Building. Particular attention to the aspects of fire and police patrols during after duty periods. Vote was 12-0. Rep. Richardson D. Benton for Legislative Administration.

HB 520, relative to property tax exemptions. Ought to Pass.

Some assistance to towns and cities in collecting taxes on leased state property which is a very tricky situation. Vote was 14-0. Rep. Anthony Pepitone for Municipal and County Government.

HB 521, relative to the delivery of property tax bills. Inexpedient to Legislate.

Content covered under HB 655 as amended. Vote was 14-0. Rep. David B. Packard for Municipal and County Government.

HB 522, relative to a recording fee for the current use assessment notice. Ought to Pass.

Under present law the town has to pay the \$3.00 recording fee to the register of deeds. Committee agreed the fee should be paid by the owner. Vote was 14-0. Rep. Robert C. Callahan for Municipal and County Government.

HB 523, relative to tax lists. Inexpedient to Legislate.

Content of this bill is covered under other legislation. Vote was 14-0. Rep. Sarah A. Proulx for Municipal and County Government.

HB 617, relative to site plan review by planning boards. Ought to Pass with Amendment.

This extends the site plan review to cover multi-family dwelling of more than two families. Vote was 15-0. Rep. Arnold B. Perkins for Municipal and County Government.

Amendment

Amend RSA 36:19-a, II (a) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(a) Procedures the board will follow in reviewing site plans, including any notice and hearing requirements.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Site Plan Regulations Adopted Prior to this Act. This act shall not affect the validity of any authority for a planning board to review site plans granted, or any regulations adopted, under RSA 36:19-a prior to its amendment by this act. Such authority and regulations shall remain in effect until altered pursuant to RSA 36:19-a, except that any planning board having such authority which has not adopted specific site plan review regulations shall do so prior to exercising the authority.

This act shall not affect any form of site plan review authority vested in a planning board under a zoning ordinance adopted prior to the effective date of this act.

HB 655, relative to the computation of tax due on tax bills. Ought to Pass with Amendment.

This bill clarifies and simplifies several aspects of the property taxing process. Vote was 15-0. Rep. F. John Lowmes, III for Municipal and County Government.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to preparation of tax lists and tax bills and the computation of property taxes.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Property Tax Lists. Amend RSA 76:10 by striking out said section and inserting in place thereof the following:

76:10 Selectmen's Lists and Warrant. A list of all property taxes by them assessed, showing the name of the person taxed as indicated by the deed for the property, when possible, or the last and first name, middle initial and identifying appellations, if known, of the person taxed, shall be made by the selectmen under their hands, with a warrant under their hands and seal, directed to the collector of such town, requiring him to collect the same, and to pay to the town treasurer such sums and at such times as may be therein prescribed. The selectmen of a town or the board of assessors of a city may round off to the nearest dollar the total tax due appearing on the list.

2 Delivery of Tax Bills. Amend RSA 76:11 (supp) as amended by striking out said section and inserting in place thereof the following:

76:11 Delivery of List; Notice to Taxpayer.

I. Such list shall be delivered to the collector within 30 days from the receipt of information by the selectmen from the commissioner of revenue administration of the rate percent of taxation as provided in RSA 41:15, unless for good cause the time is extended by the commissioner of revenue administration. The collector shall within 30 days after the receipt of such list, send to every person taxed, or his designated agent as shown by the annual inventory form, a bill for such taxes by first class mail, unless for good cause the time is extended by the commissioner of revenue administration.

II. The tax bill may not be sent to any other person, except the mailing of duplicate tax bills to owners of property taxed to landowners under RSA 73:16-a or 75:3 or to new owners, when known, is permitted.

III. Said bill shall show the party taxed as indicated by the warrant, and shall be mailed separately and not included with mailing of other town bills. Provided, however, that resident tax bills may be included with property tax bills when the inclusion of such resident tax bills will not delay the mailing of either the resident or property tax bills.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 693, authorizing municipalities to establish central business service districts. Ought to Pass.

An enabling bill that could assist in revitalizing downtown areas to be paid for by the property owners in that area. Vote was 13-0. Rep. E. John Lowmes, III for Municipal and County Government.

HB 727, relative to the employment status of deputy sheriffs. Refer to Committee on Municipal and County Government for Interim Study.

This bill changes the status of deputy sheriffs to that of classified employees, but retains the appointment power of deputies by sheriffs. No deputy can be discharged except for cause under RSA 4:1. This needs more study. Vote was 13-0. Rep. Arnold B. Perkins for Municipal and County Government.

HB 773, authorizing the inter-county transfer of female prisoners and committal of persons who fail to pay fines to any house of correction or jail. Ought to Pass. This is timely legislation - much needed for those counties which have no female detention facilities. Vote was 15-0. Rep. Beverly A. Gage for Municipal and County Government.

HB 789, relative to county budgetary procedures. Ought to Pass with Amendment. This bill allows counties the same privileges as towns to have a contingency fund not to exceed one per cent of the appropriation exclusive of capital budget and debt retirement. Vote was 15-0. Rep. Arnold B. Perkins for Municipal and County Government.

Amendment

Amend RSA 24:13, II as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

II. Notwithstanding any other laws to the contrary, the county convention of any county shall have the power to appropriate a contingency fund to meet the cost of unanticipated expenses that may arise during the year, to be expended only upon approval by the executive committee of the county delegation, who shall make a detailed report of all expenditures from said fund to be published annually in the county annual report. The amount in said fund shall not exceed one per cent of the amount appropriated by the county for county purposes exclusive of capital budget and debt retirement during the preceding year.

HB 792, requiring members of planning boards to take a soils course within one year after their appointment or election thereto. Inexpedient to Legislate.

There are many aspects of the growth process that planning board members should have knowledge of such as roads, water resources, sewage disposal, population growth, etc., etc. Soil quality is only one segment, and a mandated course in this subject is unreasonable. Vote was 15-0. Rep. E. John Lowmes, III for Municipal and County Government.

HB 793, relative to municipal employees. Inexpedient to Legislate. There does not seem to be any real need to mandate the procedure generally. Situation appears to be under control with no particular problem in most communities. Vote was 13-0. Rep. Anthony Pepitone for Municipal and County Government.

HB 799, relative to planning boards. Ought to Pass with Amendment.

This bill redefines abutter and those who should be notified of an impending subdivision. The amendment simplifies the hearing procedure. Vote was 15-0. Rep. E. John Lowmes, III for Municipal and County Government.

Amendment

Amend RSA 36:23 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

36:23 Board's Procedure on Plats. The planning board shall place on its agenda for consideration any plat submitted to it within 30 days and shall act to approve or disapprove thereof within 90 days; provided, that the planning board may apply to the selectmen or city council for an extension not to exceed an additional 90 days before acting to approve or disapprove, otherwise such plat shall be deemed to have been approved, and the certificate of the municipality, as to the date of submission of the plat for approval and the failure to take action thereon within such time, shall be issued on demand and shall be sufficient in lieu of the written indorsement or other evidence of approval herein required; provided, however, that the applicant for the board's approval may waive this requirement and consent to an extension of such period. The planning board shall notify, by certified or registered mail, return receipt requested, the applicant and abutters regarding the placement of the plat on its agenda for consideration not less than 5 days before such placement. The ordinance establishing the planning board or an ordinance amending such establishing ordinance shall specify the officer or employee of the municipality who shall issue in its behalf the certificate of failure on the part of the planning board to take action as aforesaid in this section. In case of disapproval of any plat submitted, the ground for such disapproval shall be adequately stated upon the records of the planning board. Any plat submitted to the

planning board shall bear the name and address of the applicant and all abutters to the land described in the plat. No plat shall be approved or disapproved by the planning board without affording a hearing thereon. The applicant and abutters shall be notified of said hearing, and the time and place of such hearing, by certified or registered mail, return receipt requested, not less than 5 days before the date fixed for the hearing. The costs of any required publication or posting of notice and the costs of mailing notices of the hearing or placement of a plat on an agenda required under this section shall be paid by the applicant prior to the hearing or consideration.

HB 807, relative to the bonding of county and municipal officers. Ought to Pass with Amendment.

Housekeeping measure simplifying bonding requirements and perhaps reduce the costs relating to bonds. Committee vote was 15-0. Rep. Anthony Pepitone for Municipal and County Government.

Amendment

Amend RSA 27:1, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. County commissioners, county treasurers, registers of deeds and registers of probate and their deputies shall be bonded by position by means of a blanket undertaking or undertakings from any duly authorized corporate surety, such blanket undertaking or undertakings to indemnify against losses through one or both of the following conditions:

(a) Through the failure of such officers covered thereunder to faithfully perform their duties or to account properly for all moneys or property received by virtue of their positions; or

(b) Through fraudulent or dishonest acts committed by the officers covered thereunder.

Amend RSA 27:2, II (b) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(b) Each county commissioner, and each register of probate and his deputy shall be bonded in a sum not less than \$5,000.

Amend RSA 27:3, II as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

3 Approval of Bond Form and Amount. Amend RSA 27:3, II (supp) as amended by striking out said paragraph and inserting in place thereof the following:

II. The blanket bonds on county commissioners, county treasurers, registers of deeds, registers of probate and their deputies shall be submitted to the department of revenue administration for approval as to form and amount.

Amend RSA 31:24 as inserted by section 17 of the bill by striking out same and inserting in place thereof the following:

31:24 Trustees; Expenses. The expenses of trustees or the trustee provided for in RSA 31:23 shall be charged as incidental town charges.

Amend the bill by striking out section 18 and inserting in place thereof the following:

18 Deputy Treasurer. Amend RSA 29:15 as inserted by 1963, 93:1 as amended by striking out said section and inserting in place thereof the following:

29:15 Deputy Treasurer. On or before June first, annually, the county commissioners upon recommendation of the county treasurer shall appoint a deputy county treasurer. Said deputy county treasurer shall serve only during the absence, disability or incapacity of the county treasurer to perform his duties and until a successor shall be qualified. The compensation of the deputy county treasurer shall be \$15 for each day he is engaged in his official duties hereunder and said compensation shall be paid by the county.

19 Effective Date. This act shall take effect 60 days after its passage.

HB 826, giving the moderator the same power as regards persons voting in person that he has as regards absentee voters. Inexpedient to Legislate.

The intent of this bill is laudable, but the Committee feels it is unworkable. Vote was 14-0. Rep. Beverly A. Gage for Municipal and County Government.

HB 865, relative to organization of county delegations. Ought to Pass.

This bill simply extends the time for the organization meeting of counties. Vote was 15-0. Rep. Arnold B. Perkins for Municipal and County Government.

HB 2020, relating to the reorganization of county government. Refer to Committee on Municipal and County Government for Interim Study.

Committee wishes to study this subject. Vote was 13-0. Rep. Ezra B. Mann, II for Municipal and County Government.

HB 2028, relating to granting a special tax freeze privilege to the elderly. Refer to Committee on Municipal and County Government for Interim Study.

Committee wishes to study this subject. Vote was 13-0. Rep. Ezra B. Mann, II for Municipal and County Government.

HB 710, providing for mandatory distribution of instructions on safely installing solid fuel appliances and directing the fire marshal to adopt a model code for such installation which may be adopted by the cities and towns. Ought to Pass.

It is most appropriate, with the greatly increased dependence on solid fuels for heat, to assure that adequate instructions are provided by dealers and installers for the safe installation and usage of the heating appliance, as a means of fire prevention, and to preclude dangers from noxious gases. Numerous publications are available from the National Fire Prevention Association, the Governor's Council on Energy and from the manufacturers to accomplish this purpose. Additionally, the State Fire Marshal will draft a

model code for the installation and operation of solid fuel appliances, which could be adopted by the cities and towns. Committee vote was 8-1. Rep. Fred W. Snell for Public Protection and Veterans' Affairs.

HB 784, relative to the house capital budget overview committee. Refer to Committee on Public Works for Interim Study.

The Public Works Committee is of the opinion that this bill should be included with a previous bill on the Capital Budget Overview Committee for interim study. Vote was 14-0. Rep. Joseph M. Silva for Public Works.

HB 785, relative to increasing flexibility in capital budget procedures. Ought to Pass with Amendment.

The Committee feels that the manual of procedure should be revised in an attempt to combat inflation. This has been recommended by the state agencies concerned. Vote was 11-1. Rep. James J. White for Public Works.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing a special committee to study capital budget procedures.

Amend the bill by striking out section one and inserting in place thereof the following:

1 Budget Procedures Committee. There is hereby established a special committee to analyze current procedures and policies relating to the planning, implementation and execution of capital budget projects as well as contract maintenance projects. The committee shall consist of 3 members of the house of representatives appointed by the speaker, 2 members of the senate appointed by the president, one member of the governor's staff appointed by the governor, the deputy comptroller and the assistant commissioner of public works and highways. Members shall serve without compensation, provided that legislative members shall be entitled to receive legislative mileage for attendance at committee meetings. The committee shall consider the need for changes in the state manual of procedure and make recommendations to the comptroller for whatever changes to the manual of procedure they deem necessary. The committee shall report its findings and the results of any recommendations they make to the comptroller, to the speaker of the house and the president of the senate on or before March 1, 1981.

HB 810, relative to the classification of highways and state construction and reconstruction of highways. Ought to Pass with Amendment.

This bill attempts to be of help to the towns. It will establish by statute procedures followed by the Highway

Department. Vote was 10-1. Rep. Guy J. Fortier for Public Works.

Amendment

Amend RSA 230:4, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. Class IV highways shall consist of all highways within the compact sections of cities or towns of 6,500 inhabitants and over. The compact section of any such city or town shall be the territory within such city or town where the frontage on any highway, in the opinion of the highway commissioner, is mainly occupied by dwellings or buildings in which people live or business is conducted, throughout the year and not for a season only. Whenever the commissioner reclassifies a section of a class I or class II highway as a class IV highway, the commissioner shall prepare a statement of rehabilitation work which shall be performed by the state in connection with the turnback. No highway reclassification from class I or II to class IV shall take effect until all rehabilitation needed to return the highway surface to reputable condition has been completed by the state. Rehabilitation shall be completed during the calendar year preceding the effective date of the reclassification. A copy of the commissioner's statement of work to be performed by the state shall be attached to the notification of reclassification to class IV, and receipt of said statement shall be acknowledged, in writing, by the selectmen of the town, or the mayor of the city, affected by the reclassification.

Amend RSA 231:10 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

231:10 Construction and Reconstruction; Limitation. Notwithstanding any other provision of law to the contrary, the state shall not perform any new construction or major reconstruction of any class I, II or III highway, except highways laid out under the provisions of RSA 236, unless the city or town in which the highway is located has adopted a zoning ordinance pursuant to RSA 31:63 or 63-a, or a master plan pursuant to RSA 36:15.

HBI 2019, relating to the proposed bridge over the Pemigewasset River in Franklin. Refer to Committee on Public Works for Interim Study.

Committee recommends this bill be studied further. The Committee feels that if the bridge construction can be hurried along the expense will be less. This will require federal cooperation. Vote was 14-0. Rep. George A. Nadeau for Public Works.

HB 736, relative to the liquor licenses and permits granted to convention centers. Ought to Pass with Amendment.

This bill allows for a special license to be issued by the Liquor Commission to a convention center whereby the center could make full use of its facilities and better serve its customers. Vote was 11-0. Rep. Lynn C. Horton for Regulated Revenues.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:
1 Definition of Convention Center.

Amend RSA 181:1, XII (supp) as inserted by 1978, 44:1 by striking out said paragraph and inserting in place thereof the following:

XII. "Convention center," a building with a seating capacity of at least 600 persons which shall consist of a dining room serving the public and seating at least 175 persons, and at least one cocktail lounge with a capacity of 200 persons. A convention center is defined as a room which is used regularly for an assembly of persons participating in business, social, political or other meetings to exchange ideas, views and information of a common interest to such a group.

Amend the bill by striking out section 3 and inserting in place thereof the following:
3 Effective Date. This act shall take effect upon its passage.

HB 595, to provide for the protection and preservation of historic resources, including artifacts, treasure and objects of antiquity which have historical value. Refer to Committee on Resources, Recreation and Development for Interim Study.

After a 3 hour dialogue with the subcommittee, opponents and proponents reached cooperative conclusions that have not previously existed. All parties have indicated a sincere willingness to work together to draft a bill that preserves the basic intent of HB 595 while eliminating those features which have caused dissent. The Committee, in recognition of this spirit of public cooperation, and acknowledging the need for a preservation of our historic heritage recommends this bill be placed in Interim Study. Vote was 11-0. Rep. Giles Low, II for Resources, Recreation and Development.

HB 830, relative to the New Hampshire port authority. Inexpedient to Legislate.

This bill attempts to address too many unrelated issues, each of which should be studied as a separate measure. The Committee also feels there is no demonstrated need for much of the content. Vote was 12-1. Rep. Philip C. Heald, Jr. for Resources, Recreation and Development.

HB 864, relative to planning bicycle trails when laying out and constructing new highways. Ought to Pass with Amendment.

This bill envisions a much greater use of bicycles as a means of local transportation in view of the energy crisis as well as an increased use for recreation.

The bill provides that the safe use of bicycles be considered in the planning, construction and reconstruction of the State highway system.

The amendment was suggested by the Highway Department planning engineer to clarify two minor points.

The Committee vote was 15-0. Rep. Joan M. Schreiber for Resources, Recreation and Development.

Amendment

Amend RSA 250:26, III as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

III. "Bicycle lane" means a portion of a roadway which has been designated for the preferential or exclusive use of bicycles. It is distinguished from the portion of the roadway for motor vehicular traffic by a paint stripe or similar device. Improved road edges are considered a bicycle lane where so designated.

Amend RSA 250:27, IX (b) as inserted by section 2 of the bill by striking out said subparagraph and inserting in place thereof the following:

(b) The minimum warrants that must exist to provide the construction of a separate bike path.

HB 868, relative to the extension and expansion of water utility service. Ought to Pass with Amendment.

This bill enables private water utilities to enter into agreements with a municipality for anticipated expansion of a water system. The amendment just clarifies the intent of this bill. Vote was 12-0. Rep. Nancy R. Gagnon for Resources, Recreation and Development.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the extension and expansion of private water utility service.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Extension and Expansion of Service.

Amend RSA 374 by inserting after section 23 the following new section:

374:23-a Private Water Utility Service.

I. Whenever a private water utility plans to extend service or expand an existing water system, the utility shall negotiate with the city or town engineer or designated representative of the city or town which is affected by the planned extension or expansion, concerning the location and size of the anticipated water mains and water hydrants. The planned extension or expansion of service shall be agreed upon by all parties thereto prior to initiation of construction. If the parties are unable to reach an agreement, the commission shall act as arbitrator and review the terms of the planned extension or expansion to be agreed upon by the private water utility and applicable municipality. If more than one municipality is subject to the utility extension or expansion, each affected municipality shall negotiate with the utility for that portion of the system within the bounds of the municipality.

II. When water service is extended for new construction or on speculation by any person, developer, development company, contractor, business, firm, corporation or agent thereof, the costs for the extension shall be paid by the individual or individuals seeking such extension. Those individuals seeking the extension shall be charged the increased inch-foot charge less a reasonable amount based on a proportion of the tax revenue increase derived by the city or town from the subdivision and development of the property, the extension of the service past other real estate to the subdivision and the increased assessment of the real estate benefitting from the extension. Inch-foot charge means an amount of money charged the city or town by the private water utility for the water mains that supply water for fire protection.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 695, relative to the boat tax. Ought to Pass.

HB 695, eliminates the around-the-state movement of the boat tax and puts it squarely in the place it belongs - the cities and towns. This bill remits collected tax funds to the tax collectors within 7 days rather than annually. Vote was 10-3. Rep. Roger E. Wallace for Transportation.

HB 699, relative to the conversion of certain class VI highways to footpaths or trails. Ought to Pass with Amendment.

The Committee felt that in view of many towns desiring to set up town-wide systems of trails and as roads are too dangerous for this purpose. Furthermore, in this day of gasoline shortages and for physical fitness we should make every effort to provide ways for walking, hiking or snowshoeing along public ways free from traffic; and should provide designated trails for bike riders. Vote was 10-1. Rep. Lorine M. Walter for Transportation.

Amendment

Amend RSA 230:4, VI as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

VI. Class VI highways shall consist of all other existing public ways, and shall include footpaths or trails which were formally class VI highways, all highways discontinued as open highways and made subject to gates and bars, and all highways which have not been maintained and repaired by the town in suitable condition for travel thereon for 5 successive years or more.

Amend RSA 238:2 as inserted by section 4 of the bill by striking out said section and inserting in place thereof the following:

238:2 Subject to Gates and Bars. Any class IV, V or VI highway, or any portion thereof, may be discontinued as an open highway and made subject to gates and bars or may be discontinued as an open highway, made subject to gates and bars and designated as a footpath or trail, by vote of the town. Such a discontinued highway

shall not have the status of a publicly approved street. When a highway is discontinued subject to gates and bars and designated as a footpath or trail, the selectmen shall continue the right of way at the same width as before although the travel width may be reduced. The selectmen or any agency designated by the selectmen may designate the appropriate use for any discontinued highway made subject to gates and bars and designated as a footpath or trail; provided, however, notwithstanding the provisions of this section no landowner either abutting or in the general vicinity of a designated footpath or trail shall be denied access to his property.

HB 838, permitting the director of motor vehicles to assist town and city clerks in collecting had checks for motor vehicle permit fees. Ought to Pass.

This bill will suspend motor vehicle registrations when municipal permit fees are paid by bad checks until the amount of fees has been reimbursed. Vote was 11-2. Rep. Edwin L. Waters for Transportation.

HB 840, relative to railroad police. Ought to Pass.

This bill provides that the Commissioner of Safety has the authority to commission all railroad police and to adopt rules and qualifications for railroad police. The bill also provides for reciprocal agreements between the Governor of New Hampshire and any other governor of contiguous states pertaining to offenses committed on railroad property. Vote was 12-0. Rep. Frederick J. Domini, Sr. for Transportation.

HB 872, renaming the Laconia airport authority and amending the composition of the authority and the appointive agency. Refer to Committee on Transportation for Interim Study.

All the testimony that was received on HB 872 requested that this bill be sent for interim study. The Transportation Committee favored this decision in an 11-0 vote. Rep. Yvette L. Chagnon for Transportation.

HBI 2010, relating to the spare tires on some new cars sold in New Hampshire. Refer to Committee on Transportation for Interim Study.

The Transportation Committee agrees that HBI 2010 has merit and deserves further study. Vote was 13-0. Rep. Rudolph G. LaBranche for Transportation.

UNANIMOUS CONSENT

Rep. Spirou addressed the House under unanimous consent.

COMMITTEE REPORTS (Regular Calendar)

HB 534, requiring pharmacists to maintain a patient profile system. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The Committee felt that patient profile was a nice idea, but would be difficult and expensive for the Legislature to mandate that each pharmacy provide a profile for each customer. Vote was 9-3. Rep. Phyllis J. Pucci for Majority of Commerce and Consumer Affairs.

MINORITY: The patient profile record lends itself to many uses, some routine and some very critical. In an era of sophisticated "specialized health care" it is common for an individual to be taking as many as six different drugs at the same time prescribed by six different physicians. Doctors often do not have the time to monitor what another doctor is doing. Patient profile records prevent or control drug abuse, prevent adverse drug reactions and possible drug poisoning. Drug reactions are believed to cost about three billion dollars per year in extended hospital stays. Reps. Claire Plomaritis, David L. Gelinas and Edward J. Allgeyer for Minority of Commerce and Consumer Affairs.

Rep. Plomaritis moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to her motion.

Reps. Pucci, Appel, and Quimby spoke against the motion.

Reps. Allgeyer, Epstein and Gelinas spoke in favor of the motion.

Rep. French spoke against the motion and yielded to questions.

Rep. Quimby requested a quorum count.

The Speaker declared a quorum present.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 61 NAYS 205

YEAS 61

BELKNAP: Hildreth, Mansfield and Sanders.

CARROLL: Heath.

CHESHIRE: O'Connor.

COOS: Brungot, Bradley Haynes, Oleson and Richardson.

GRAFTON: Copenhagen.

HILLSBOROUGH: Burkush, Yvette Chagnon, Joseph Cote, Coutermarsh, Beverly Dupont, Nancy Gagnon, Gelinas, Head, Hendrick, Thomas Hynes, Jamrog, Plomaritis, Roy, Edward Smith, Soucy, Spirou, James Sullivan, Wallin, James J. White and Zajdel.

MERRIMACK: Allgeyer, Bellerose, Bodi, Carroll, Daniell, Epstein, Holliday, Stokes and Rick Trombly.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Collins, Carl Gage, Jackson, Roger King, Lovejoy, Pantelakos, Rogers, Vlack and Warburton.

STRAFFORD: Burchell, DeNafio, Donnelly, McManus, Morrisette and Vaughan.

SULLIVAN: Brodeur, David Campbell, LeBrun and Spanos.

NAVS 205

BELKNAP: Beard, Birch, Bordeau, Gary Dionne, French, Hanson, Matheson and Morin.

CARROLL: Chase, Desjardins, Dickinson, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Bavhutt, Crane, Jesse Davis, Eisengrein, Ernst, Galloway, Kohl, Ladd, Miller, Proctor, Margaret Ramsay, William Riley, Russell, Scranton, Vrakatitsis and Jean White.

COOS: Elmer Beaulac, Burns, Chappell, Fortier, Guay, Horton, Mayhew, Theriault, Wiswell and York.

CRAFTON: Ira Allen, Christy, Dearborn, Foster, LaMott, Logan, Low, Lowmes, Mann, McAvoy, Pepitone, Rounds, Snell, Taffe, Thomson, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Ainley, Archambault, Arris, Baker, Wilfrid Boisvert, Bosse, Carswell, Compagna, Corey, Corser, Craig, Dolbec, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Granger, Hall, Heald, Healy, Howard Humphrey, Karnis, Keefe, Lahomharde, Lamy, Lyons, McDonough, McLaughlin, Milton Meyers, Morrison, Murray, Naro, Odell, Peter Parady, Perkins, Peters, Podles, Polak, David Ramsay, Peter Ramsey, Record, Reidy, Paul Riley, Sallada, Silva, Thiheault, Rock Tremblay, Van Loan, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Bibbo, John Cate, Milton Cate, Clements, Colby, James Humphrey, Kidder, Locke, McLane, Mitchell, Nichols, O'Neill, Randlett, Doris Riley, William Roberts, Selway, Gerald Smith, Stio, Stockman, Trachy, Underwood, Ernest Valliere and Wiviott.

ROCKINGHAM: Appel, Benton, Blake, William Boucher, Butler, Marilyn Campbell, Patricia Cote, Roy Davis, Robert Day, Ellyson, Felch, Flanagan, Beverly Gage, Gibbons, Gould, Greene, Hartford, Hoar, Jones, Kane, Kashulines, Kozacka, Krasker, Landry, LoFranco, Nelson, Newell, Parolise, Parr, Peterson, Pevear, Pucci, Qimby, Reese, Scamman, Schmidtchen, Schwaner, Skinner, Freda Smith, Splaine, Stimmell, Sytek, Tavitian, Helen Wilson, Wojnowski, Wolfsen and Woodman.

STRAFFORD: Canney, Ronald Chagnon, Farnham, Gauvin, Gosselin, Joos, Pray, Preston, Robinson, Schreiber, Donald Smith, Tripp, Valley and Whitehead.

SULLIVAN: Cutting, Domini, Sim Gray, Lucas, Palmer, Spaulding, Townsend and Wiggins, and the motion lost.

Resolution adopted.

CACR 10, relating to the age of retirement for sheriffs. Providing that persons who reach age 70 during their

elected term may finish the term. Inexpedient to Legislate.

In view of the number of questions already chosen to be placed before the voters in the next election, the Committee felt this question was not important enough to be on the ballot. Vote was 8-5. Rep. Betty B. Hall for Constitutional Revision.

Resolution adopted.

CACR 13, relating to budgeting, taxes, and public indebtedness in the state of New Hampshire. Providing that state, county and municipal budgets shall be balanced and contain a one per cent surplus. A 2/3 vote of the entire membership of each house be required before any sales or income tax is established. Property taxes shall not be increased by more than 5 per cent without a 2/3 vote of the qualified voters. The public debt of the state of New Hampshire shall not be increased by more than 5 per cent of total public indebtedness without a 2/3 vote of the entire membership of the house. The public debt of any county, municipality or other subordinate governmental unit shall not be increased by more than 5 per cent of total indebtedness without a 2/3 vote of that unit's legislative body. Refer to Committee on Constitutional Revision for Interim Study.

There is a growing recognition of the need to get a handle on unlimited spending at all levels of government. This bill addresses the problem. There was not sufficient time to make a thorough study. Vote was 10-4. Rep. Joseph M. Eaton for Constitutional Revision.

Referred to the Committee on Constitutional Revision for Interim Study.

CACR 14, relating to the term of the governor. Providing that the governor shall be elected every four years. Ought to Pass with Amendment.

The Committee agreed a 4-year term for the Governor would make for more work and less politicking. The amendment would put this question on the ballot in 1982 to be implemented in 1986. Vote was 14-2. Rep. Gail C. Morrison for Constitutional Revision.

Amendment

Amend the resolution by striking out paragraphs I - IV after the resolving clause and inserting in place thereof the following:

1. Resolved, That Article 42 of Part Second, as amended, of the Constitution of New Hampshire be amended by striking out said article and inserting in place thereof the following:

Art. 42. Election of Governor; Return of Votes; Electors; If No Choice, Legislature to Elect One of Two Highest Candidates; Qualifications for Governor. The governor shall be chosen every 4 years in the month of November beginning in 1986; and the votes for governor shall be received, sorted, counted, certified and returned, in the same manner as the votes

for senators; and the secretary shall lay the same before the senate and house of representatives, on the first Wednesday of January to be by them examined, and in case of an election by a plurality of votes through the state, the choice shall be by them declared and published. And the qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a plurality of votes, the senate and house of representatives shall, by joint ballot elect one of the 2 persons, having the highest number of votes, who shall be declared governor. And no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this state for 7 years next preceding, and unless he shall be of the age of 30 years.

II. Resolved, That the above amendment proposed to the Constitution by submitted to the qualified voters of the state at the regular biennial election to be held in November, 1982.

III. Resolved, That the selectmen of the several towns, cities, wards and places in the state are directed to insert in their warrants for the said 1982 election an article to the following effect: To take the sense of the qualified voters whether the amendments of the Constitution proposed by the 1979 session of the General Court shall be approved.

IV. Resolved, That the sense of the qualified voters shall be taken by ballot upon the following question submitted to them by the General Court:

Are you in favor of amending the Constitution of New Hampshire to provide for electing the governor every 4 years beginning in November of 1986?

Rep. Morrison explained the amendment.
Amendment adopted.

Question being on the adoption of the committee report.

(Speaker presiding)

YEAS 161 NAVS 88

YEAS 161

BELKNAP: Beard, Birch, Bordeaux, Garv Dionne, French, Hanson, Mansfield, Matheson and Sanders.

CARROLL: Chase, Desjardins and Heath.

CHESHIRE: Jesse Davis, Eisengrein, Ernst, Galloway, Kohl, Ladd, Proctor, William Riley, Russell and Jean White.

COOS: Fortier, Guav, Bradley Haynes, Horton, Mayhew, Oleson, Theriault, Wiswell and York.

GRAFTON: Foster, Lowmes, Mann, Rounds, Taffe and Ward.

HILLSBOROUGH: Archambault, Baker, Bosse, Burkush, Carswell, Yvette Chagnon, Corser, Beverly Dupont, Joseph Eaton, Nancy Gagnon, Gelinas, Hall, Head, Heald, Hendrick, Jamrog, Keefe, McDonough, Milton Meyers, Morrison, Odell, Peters, Plomaritis, Polak, Record, Roy, Silva, Soucy, Spirou, James

Sullivan, Thiheault, Rock Tremblay, Van Loan, Wallin, Welch, Robert Wheeler, James J. White, M. Arnold Wight and Zajdel.

MERRIMACK: Bellerose, John Cate, Clements, Daniel, Holliday, McLane, Mitchell, Nichols, O'Neill, Doris Riley, William Roberts, Selway, Shepard, Gerald Smith, Stio, Stockman, Stokes, Trachv, Rick Tromblv, Underwood and Ernest Valliere.

ROCKINGHAM: Aeschliman, Appel, Blake, Blanchette, William Boucher, Butler, Marilyn Campbell, Carpenito, Collins, Robert Day, Felch, Flanagan, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Hartford, Hoar, Jones, Kozacka, Landrv, Laycock, LoFranco, Joseph MacDonald, Nelson, Newell, Pantelakos, Parolise, Parr, Peterson, Pucci, Quimby, Reese, Rogers, Schmidtchen, Skinner, Freda Smith, Stimmell, Svttek, Vlack and Wojnowski.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Farnham, Joos, McManus, Morrisette, Preston, Robinson, Schreiber, Donald Smith, Valley and Whitehead.

SULLIVAN: Brodeur, David Campbell, Cutting, Domini, Sim Gray, LeBrun, Spanos, Spaulding and Townsend.

NAVS 88

BELKNAP: Morin.

CARROLL: Dickinson, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHFSHIRE: Baybutt, Crane, Miller, O'Connor and Vrakatitsis.

COOS: Elmer Beaulac, Brungot, Chappell and Richardson.

GRAFTON: Aldrich, Ira Allen, George Cate, Christv, Dearborn, Logan, Low, McAvoy, Pepitone, Seelv, Snell, Thomson and Andrew Ware.

HILLSBOROUGH: Ainley, Arris, Compagna, Corey, Coutermarsh, Craig, Dolbec, Clyde Eaton, Gabrielle Gagnon, Granger, Healv, Howard Humphrey, Thomas Hynes, Karnis, Lahombarde, Lyons, McLaughlin, Naro, Peter Parady, Perkins, Podles, Reidv, Sallada, Edward Smith, Eliot Ware, Weaver, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Bibbo, Rodi, Milton Cate, Colby, James Humphrey, Locke, Randlett and Waters.

ROCKINGHAM: Benton, Patricia Cote, Roy Davis, Ellyson, Jackson, Kashulines, Loveioy, Pevear, Scamman, Schwaner, Splaine, Tavitian, Warburton, Helen Wilson, Wolfson and Woodman.

STRAFFORD: Canney, Donnelly, Gauvin, Gosselin, Pray and Tripp.

SULLIVAN: Lucas and Wiggins, and the committee report was not adopted, lacking the constitutional requirement of affirmative votes of three-fifths of the entire membership.

CACR 15, relating to a limitation on property tax increases and state mandated programs for municipalities. Providing that the percentage of property tax increases shall not exceed the percentage of per capita income increase during the previous year without 2/3 vote of legislative body and that the legislature must fund programs mandated for municipalities. Refer to Committee on Constitutional Revision for Interim Study.

CACR 15 addresses the same question as CACR 13, but in a different manner. The Committee would like to study both bills together. Vote was 10-4. Rep. Joseph M. Eaton for Constitutional Revision.

Referred to the Committee on Constitutional Revision for Interim Study.

HB 625, providing for the election of members to the county convention as a separate county office. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority of the Committee felt it is difficult enough to find people to run for the Legislature at \$200 per biennium. An unpaid elective office would probably be unfilled. Vote was 8-7. Rep. Irene J. Shepard for Majority of Constitutional Revision. MINORITY: This bill would improve county government by allowing additional citizen participation. Local voters could decide if they wish to elect their state legislator to serve also as county legislator or choose another candidate who would not serve in both capacities. Reps. Betty B. Hall, Jane B. Holliday, Sharon W. Demers, James M. Colby and David G. Pine for Minority of Constitutional Revision.

Rep. Holliday moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to her motion.

Rep. Shepard spoke against the motion and yielded to questions.

Reps. Wiggins, Helen Wilson and Coutermarsh spoke against the motion.

Rep. Hall spoke in favor of the motion.

Rep. Quimby spoke in favor of the motion and yielded to questions.

Rep. Hall requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 52 NAYS 231

YEAS 52

BELKNAP: Gary Dionne.

CARROLL: None.

CHESHIRE: Jesse Davis, O'Connor, Scranton and Jean White.

COOS: Bradley Haynes, Mayhew and Oleson.

GRAFTON: Taffe.

HILLSBOROUGH: Bosse, Joseph Eaton, Hall, Head, Milton Meyers, Morrison, Proulx, Peter Ramsey, Rock Tremblay, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Colby, Daniell, Epstein, Holliday, McLane, Gerald Smith, Stio, Stokes, Trachv and Underwood.

ROCKINGHAM: Aeschliman, Collins, Dunfev, Hoar, Laycock, Quimby, Sytek, Wojnowski and Woodman.

STRAFFORD: Burchell, Ronald Chagnon, Gosselin, Lessard, McManus, Morrisette, Pine, Dennis Ramsay, Schreiber, Donald Smith and Valley.

SULLIVAN: Lucas and Townsend.

NAYS 231

BELKNAP: Beard, Birch, Bordeau, French, Hanson, Mansfield, Matheson, Morin and Sanders.

CARROLL: Chase, Desjardins, Dickinson, Heath, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Crane, Eisengrein, Ernst, Galloway, Kohl, Ladd, Miller, Moore, Proctor, Margaret Ramsay, William Riley, Russell and Vrakatitsis.

COOS: Elmer Beaulac, Brungot, Chappell, Fortier, Guay, Horton, Richardson, Theriault, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Christy, Copenhaver, Crory, Dearborn, Foster, Michael King, LaMott, Logan, Low, Lowmes, McAvoy, McIver, Pepitone, Rounds, Seely, Snell, Thomson, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Ainley, Archambault, Baker, Wilfrid Boisvert, Boyer, Burkus, Carswell, Yvette Chagnon, Compagna, Corey, Corser, Joseph Cote, Coutermarsh, Craig, L. Penny Dion, Dolbec, Beverly Dupont, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinis, Granzer, Heald, Healy, Hendrick, Howard Humphrey, Thomas Hynes, Jamrog, Karnis, Keefe, Labomharde, Lamv, Lyons, Mazur, McDonough, McLaughlin, Murray, Naro, Odell, Pappas, Peter Parady, Perkins, Peters, Plomaritis, Podles, Polak, David Ramsay, Record, Reidy, Paul Riley, Roy, Sallada, Silva, Edward Smith, Leonard Smith, Soucy, James Sullivan, Thibeault, Van Loan, Wallin, Eliot Ware, Weaver, Welch, Robert Wheeler, James J. White, M. Arnold Wight and Zajdel.

MERRIMACK: Allgever, Bellerose, Bibbo, Bodi, Carroll, John Cate, Milton Cate, Clements, James Humphrey, Kidder, Locke, Mitchell, Nichols, O'Neill, Plourde, Randlett, Doris Riley, William Roberts, Selway, Shepard, Stockman, Rick Trombly, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Appel, Benton, Blake, William Boucher, Butler, Marilyn Campbell, Carpenito, Patricia Cote, Roy Davis, Robert Day, Ellyson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Gibbons, Gould, Greene, Hartford, Jackson, Jones, Kane, Kashulines, Roger King, Kozacka, Krasker, Landry, LoFranco, Loveioy, Joseph MacDonald, Nelson, Newell, Newman, Pantelakos, Parolise, Parr,

Peterson, Pevear, Pucci, Reese, Rogers, Scamman, Schmidtchen, Schwaner, Skinner, Freda Smith, Splaine, Stimmell, Tavitian, Vlack, Warburton, Helen Wilson and Wolfesen.

STRAFFORD: Canney, DeNafio, Donnelly, Farnham, Gauvin, Hebert, Joos, Pray, Preston, Robinson, Tripp, Vaughan and Whitehead.

SULLIVAN: Brodeur, David Campbell, Cutting, Domini, Sim Gray, LeBrun, Palmer, Spanos, Spaulding and Wiggins, and the motion lost. Resolution adopted.

HB 705, relative to reducing innkeepers' liability. Inexpedient to Legislate. The Committee was not convinced of the need for this bill at the present time. Vote was 10-4. Rep. Joseph M. Eaton for Constitutional Revision.

Resolution adopted.

HB 825, relative to public school interscholastic athletic competition. Inexpedient to Legislate.

The Committee felt that the testimony presented at the hearing did not warrant the requested changes. Vote was 12-0. Rep. Rita M. Brack for Education.

Resolution adopted.

HB 668, establishing a coastal resources management program. Ought to Pass with Amendment.

Rep. Greene moved that HB 668 be made a Special Order for Wednesday, April 25 at 2:00 p.m. and spoke to her motion. Adopted.

HB 723, to revise the current use assessment tax. Ought to Pass with Amendment.

Bill provides much needed definition of when use changes and use change tax is levied. Also prevents land eligible for current use coming under discretionary easement thereby providing longer term commitment to open space. Amendment removes minimum acreage requirement. Rep. Robert Mayhew for Environment and Agriculture.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Acreage Requirements. Amend RSA 79-A:4, I (supp) as inserted by 1973, 372:1 as amended by striking out in lines 3 and 4 the words "acreage requirements and such new criteria and values as legislation and land management practice may indicate" and inserting in place thereof the following (such new criteria and values as legislation and land management practice may indicate which shall not include the establishment of acreage requirements) so that said paragraph as amended shall read as follows:

I. It shall meet at least annually, prior to February 1, to establish a schedule of criteria and values to be used for the current year. It shall have the power to

establish such new criteria and values as legislation and land management practice may indicate which shall not include the establishment of acreage requirements. It shall also review all past current use land values and criteria for open space land established by past boards. It shall also be the responsibility of the advisory board to recommend such changes and improvements in the administration of this chapter as experience and public reaction may recommend.

4 Effective Date. This act shall take effect 60 days after its passage.

Rep. Emma Wheeler spoke against the amendment.

Rep. Mayhew spoke in favor of the amendment.

On a voice vote, the Speaker was in doubt and requested a division.

Rep. Mayhew requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 81 NAYS 161

YEAS 81

BFLKNAP: Bordeau, French, Mansfield, Matheson and Morin.

CARROLL: None.

CHESHIRE: Eisengrein, Ernst, Ladd, Proctor and Russell.

COOS: Chappell, Bradley Haynes, Mayhew, Oleson, Richardson, Theriault, Wiswell and York.

GRAFTON: Michael King, Logan and Rounds.

HILLSBOROUGH: Archambault, Bosse, Compagna, Corser, Joseph Eaton, Nancy Gagnon, Head, Hendrick, Jamrog, Lyons, Morrison, Reidy, Roy, Silva, Leonard Smith, Soucy, James Sullivan, Thiheault, Rock Tremblay and Welch.

MERRIMACK: Bellerose, McLane, O'Neill, Paire, Randlett, Doris Riley, Trachy and Rick Trombly.

ROCKINGHAM: Blanchette, Marilyn Campbell, Collins, Ellvson, Gibbons, Gould, Hartford, Jones, Kozacka, LoFranco, Joseph MacDonald, Parr, Quimby, Reese, Rogers, Scamman, Stimmell and Wojnowski.

STRAFFORD: Burchell, DeNafio, Donnelly, Hebert, McManus, Morrisette, Pine, Preston, Robinson, Schreiber and Donald Smith.

SULLIVAN: Sim Gray, Lucas and Townsend.

NAYS 161

BELKNAP: Beard, Birch, Gary Dionne and Sanders.

CARROLL: Chase, Desjardins, Dickinson, Heath, Howard, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Crane, Jesse Davis, Galloway, Kohl, Miller, Moore, O'Connor, Vrakatitsis and Jean White.

COOS: Elmer Beaulac, Brungot, Burns and Horton.

GRAFTON: Ira Allen, George Cate, Christy, Dearborn, Low, Lownes, McAvoy, McIver, Pepitone, Seely, Snell, Taffe, Thomson, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Ainley, Baker, Boyer, Burkush, Carswell, Yvette Chagnon, Corey, Craig, L. Penny Dion, Dolbec, Clyde Eaton, Gabrielle Gagnon, Gelinas, Granger, Heald, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Lahombarde, Lamy, Mazur, McDonough, Murray, Naro, Odell, Pappas, Peter Parady, Pelletier, Perkins, Peters, Plomaritis, Polak, Proulx, Peter Ramsev, Record, Paul Riley, Sallada, Edward Smith, Stylianios, Van Loan, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White, M. Arnold Wight and Zajdel.

MERRIMACK: Allgeyer, Bibbo, Bodi, John Cate, Clements, Colby, Daniell, Holliday, James Humphrey, Locke, Mitchell, Nichols, William Roberts, Selway, Shepard, Gerald Smith, Stockman, Stokes, Ernest Valliere and Waters.

ROCKINGHAM: Blake, William Boucher, Butler, Carpenito, Patricia Cote, Roy Davis, Dunfee, Felch, Flanagan, Joseph Flynn, Beverly Gage, Greene, Hoar, Jackson, Kashulines, Roger King, Landry, Lovejoy, Nelson, Newell, Newman, Pantelakos, Parolise, Peterson, Pevear, Pucci, Schmidtchen, Schwaner, Skinner, Freda Smith, Splaine, Sytek, Vlack, Warburton, Helen Wilson and Wolfsen.

STRAFFORD: Canney, Ronald Chagnon, Farnham, Gauvin, Joos, Prav, Dennis Ramsey, Tripp and Valley.

SULLIVAN: Brodeur, David Campbell, Cutting, Domini, LeBrun and Spaulding, and the amendment lost.

Ordered to third reading.

HB 754, relative to open pit burning in towns less than 1,000 population. Ought to Pass with Amendment.

Small towns that are still having problems are given more time to resolve them. Census figures for 1970 are indicated in bill. By 1982 all open dumps must be discontinued. Rep. Myrtle B. Rogers for Environment and Agriculture.

Amendment

Amend RSA 494:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

494:1 Towns of 1,000 or Less Population. Notwithstanding the provisions of RSA 125:83, relating to variances, the air pollution commission is hereby authorized, following a public hearing, to extend the time limits established in its regulations for elimination of burning dumps in towns of less than 1,000 population according to the 1970 federal census, pursuant with the requirements of this act not to exceed July 1, 1982, if the town satisfies one of the following criteria:

1. The town is actively engaged in a regional solid waste feasibility study; or

II. A demonstration has been made that alternatives are not readily available to the town.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Rep. Townsend moved that the rules be so far suspended as to permit consideration of HB 540, relative to the division of records management and archives, HB 719, to establish a hazardous material special board, and HB 724, designating the bureau of vital records and health statistics as the health statistics center for New Hampshire and making an appropriation therefor, at the present time, the Committee on Executive Departments and Administration having reported after the deadline.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS (cont.)

HB 540, relative to the division of records management and archives. Ought to Pass with Amendment.

The Constitution of the State of New Hampshire declares that historical records of the State shall be under the authority of the Secretary of State. This bill affirms that statement and establishes a state archivist to oversee historical records. Vote was 14-0 on ought to pass with amendment. Rep. David J. Farnham for Executive Departments and Administration.

Amendment

Amend RSA 8-B:4 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following: 8-B:4 Archivist. The secretary of state, with the approval of governor and council, shall appoint the state archivist who shall be an unclassified state employee. The state archivist shall have a minimum of a master's degree in library science or history. The term of office for the state archivist shall be for 5 years. Any vacancy shall be filled for the unexpired term.

Amend RSA 8-B:17 as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

8-B:17 Rules. The state archivist, under the supervision of the secretary of state, shall establish a manual of uniform rules necessary and proper to effectuate the purposes of this chapter. Such rules and any subsequent revisions, when approved by the governor and council, shall be binding upon all officers and employees of the state. Any rules promulgated pursuant to this section shall be in accordance with RSA 541-A.

Amend section 10 of the bill by striking out same and inserting in place thereof the following:

10 Advisory Board. Amend RSA 8-B:19 (supp) as inserted by 1977, 243:1 by striking out said section and inserting in place thereof the following:

8-B:19 State Historical Records

Advisory Board Established. There is hereby established the state historical records advisory board composed of the state archivist who shall be chairman of the state historical records advisory board and at least 7 members to be appointed by the governor and council. The term of office for each of said appointed members shall be for 3 years except that the first members to be appointed shall be appointed for staggered terms. Each member shall hold office until his successor is appointed and qualified. In case of a vacancy other than by expiration of the term, the appointment shall be for the balance of the unexpired term.

11 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Referred to Appropriations.

HB 719, to establish a hazardous material special board. Ought to Pass with Amendment.

Bill creates an information gathering and advisory board. Membership represents a broad spectrum of government and industrial interests and expertise. This board should provide improved communication within the State on the subject of transportation of hazardous materials. Vote was 12-0. Rep. John Hoar, Jr. for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing the hazardous material transportation advisory board.

Amend the title of Chapter 149-H as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

Hazardous Material Transportation
Advisory Board

Amend RSA 149-H:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

149-H:1 Board Established. There is hereby established a hazardous material transportation advisory board. The board shall consist of 15 members as follows: the commissioner of the department of safety, or his designee; the state fire marshal; the commissioner of the department of public works and highways, or his designee; the chairman of the public utilities commission, or his designee; the chairman of the water supply and pollution control commission, or his designee; the director of the division of public health; the chairman of the transportation authority; one member of the senate appointed by the president; one member of the house of representatives appointed by the speaker; a representative of the hazardous material carrier industry,

a representative of the hazardous material user industry, a representative of the hazardous material manufacturing or distributing industry to be appointed by the governor and council for staggered 3-year terms, except that of the members first appointed to the board, one shall be appointed for a term of one year, one for a term of 2 years and one for a term of 3 years; an active police chief member designated by the New Hampshire police association and appointed by the governor and council for a term of 3 years; an active fire chief member designated by the association of New Hampshire fire chiefs and appointed by the governor and council for a term of 3 years; and a member from the general public appointed by the governor and council for a term of 3 years. Those members appointed by the governor and council shall hold office until their successors are appointed and qualified. Members of the board shall serve on a voluntary basis and shall meet at the call of the chairman.

Amendment adopted.

Referred to Appropriations.

HB 724, designating the bureau of vital records and health statistics as the health statistics center for New Hampshire and making an appropriation therefor. Ought to Pass.

Title of bill is self-explanatory. Vote was 12-0. Rep. John Hoar, Jr. for Executive Departments and Administration.

Referred to Appropriations.

HB 1203, relating to studying the requirement of reporting of well digging information to the state. Refer to Committee on Executive Departments and Administration for Interim Study.

This bill of intent needs further study and the Committee feels it should be referred to the Committee on Resources, Recreation and Development for interim study. A motion on the floor of the House will be made to that effect. Vote was 12-0. Rep. Michael A. Collins for Executive Departments and Administration.

Referred to Committee on Executive Departments and Administration for Interim Study.

HB 717, relative to limits on commercial trapping in the state. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: Trapping seasons in New Hampshire are set by biologists from the Fish and Game Department. Seasons are designed to remove a renewable surplus of animals from the population. The "natural" death facing wildlife is normally disease or starvation. Since HB 717 does not regulate "sport" trapping, a black market for furs would be created driving pelt prices higher. The availability of food species determines the number of fur-bearing animals, not trapping. Vote was 16-1. Rep. John H. Stimmell for Majority of Fish and Game.

MINORITY: Minority concerned for the continual existence of wildlife in New Hampshire feels HB 717 necessary. Many trappers appeared at the hearing wanting no restriction on their "sport" to take unlimited quantities of animals. Fur prices continue to rise every year increasing the demand for pelts. This bill will continue trapping, but on a regulated basis supervised by the Fish and Game Department. Wildlife belongs to all of us and not just to profit-motivated trappers who have little concern with the longevity of species. Rep. Fritz T. Sabhow for Minority of Fish and Game.

Rep. Corser moved that HB 717 be made a Special Order for 3:00 p.m., and spoke to his motion.

Rep. Stimmell spoke against the motion. Motion lost.

Rep. Corser moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Felch, Heath, Milton Cate, Thomson and Stimmell spoke against the motion.

Reps. Rick Tromblv and Sabhow spoke in favor of the motion.

Rep. Wiggins spoke against the motion and yielded to questions.

Rep. Sabhow requested a roll call. Sufficiently seconded.

(Speaker presiding)
YEAS 61 NAYS 215
YEAS 61

BELKNAP: Gary Dionne, Hanson and Sabhow.

CARROLL: None.

CHESHIRE: Bayhutt, Jesse Davis, Ladd, Miller, Proctor and Russell.

COOS: Bradley Haynes.

GRAFTON: Chambers, Copenhaver, Crory, Michael King, McAvoy and Rounds.

HILLSBOROUGH: Boyer, Burkush, Corser, Catherine-Ann Day, Gabrielle Gagnon, Head, Hendrick, Mazur, Pappas, Pastor, Proulx, Leonard Smith, Spirou, Stylianos, Rock Tremblay and M. Arnold Wight.

MERRIMACK: Carroll, McLane, Plourde, Stokes, Trachy and Rick Tromblv.

ROCKINGHAM: Appel, Blanchette, Roy Davis, Dunfey, Carl Gage, Greene, Hartford, Jones, Kozacka, Krasner, Joseph MacDonald, Newell, Pevear and Wojnowski.

STRAFFORD: Burchell, DeNafio, Donnelly, McManus, Morrisette, Preston, Dennis Ramsey and Valley.

SULLIVAN: Lucas.

NAYS 215

BELKNAP: Beard, Birch, Bordeaux, Bowler, French, Mansfield, Matheson and Sanders.

CARROLL: Chase, Desjardins, Heath, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Crane, Daniel Eaton, Eisengrein, Ernst, Galloway, Kohl, Matson, Moore, O'Connor, William Riley, Vrakatitsis and Jean White.

COOS: Elmer Beaulac, Brungot, Chappell, Fortier, Horton, Oleson, Richardson, Theriault, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Christy, Dearhorn, Foster, Logan, Low, Lownes, McIver, Pepitone, Seely, Snell, Taffe, Thomson, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Ainley, Archambault, Arris, Baker, Wilfrid Boisvert, Bosse, Carswell, Compagna, Corey, Coutermarsh, Craig, Crotty, L. Penny Dion, Dolbec, Beverly Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Gelinas, Granger, Hall, Hardy, Heald, Thomas Hynes, Jamrog, Keefe, Lefebvre, Lyons, McLaughlin, Milton Mevers, Morgan, Morrison, Mulligan, Murrav, Naro, Peter Parady, Pelletier, Perkins, Peters, Plomaritis, Podles, Polak, Peter Ramsey, Record, Reidy, Paul Riley, Roy, Sallada, Silva, Edward Smith, Soucy, Stahl, James Sullivan, Thibeault, Vachon, Van Loan, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Allgever, Bellerose, Bibbo, John Cate, Milton Cate, Clements, Colby, Daniel, Holliday, Kidder, Locke, Mitchell, Nichols, O'Neill, Packard, Paire, Randlett, Doris Riley, William Roberts, Selway, Shepard, Gerald Smith, Stio, Stockman, Ernest Valliere and Waters.

ROCKINGHAM: Benton, Blake, William Boucher, Butler, Marilyn Campbell, Carpenito, Collins, Patricia Cote, Robert Day, Ellvson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Gihbons, Gould, Hoar, Jackson, Kashulines, Roger King, Landry, Lavcock, LoFranco, Lovejoy, Norman Myers, Nelson, Pantelakos, Parolise, Parr, Peterson, Pucci, Reese, Rogers, Scamman, Schwaner, Skinner, Freda Smith, Stimmell, Sytek, Tavitian, Vartanian, Vlack, Warburton, Helen Wilson and Wolfson.

STRAFFORD: Canney, Ronald Chagnon, Farnham, Gauvin, Gosselin, Hebert, Joos, Nadeau, Pine, Pray, Robinson, Schreihner, Tripp and Vaughan.

SULLIVAN: Brodeur, David Campbell, Cutting, D'Amante, Sim Gray, LeBrun, Spanos, Spaulding, Townsend and Wiggins, and the motion lost.

Resolution adopted.

RECESS

ENROLLED BILLS REPORT

HB 141, relative to the importing and releasing of wild animals in the state.

SR 103, exempting bridge postings from the administrative procedures act.

Rep. George Maglaras
For the Committee

COMMITTEE REPORTS (Cont.)

HB 240, relative to the licensing laws for hospitals and other facilities. Ought to Pass with Amendment.

This bill substitutes the word facility wherever the words institutions or hospital appear. It also changes the fees for private labs making the fees more equitable. Vote was 12-3. Rep. James R. Craig for Health and Welfare.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Additional Facilities to be Licensed. Amend RSA 151:2 (supp) as amended by striking out said section and inserting in place thereof the following:

151:2 Requirement for License. No hospital or other facility, building, residence, private home, or other place or part thereof, however named, whether operated for profit or not, which is advertised, offered, maintained or operated by the ownership or management, whether for a consideration or not, for the express or implied purpose of providing diagnosis or treatment, or medical, nursing, obstetrical or other remedial or personal care or supervision or sheltered services for persons who are suffering from illness, injury, deformity, infirmity or other physical or mental handicap shall be established, conducted or maintained in this state without first obtaining a license therefor in the manner hereinafter provided. This requirement includes diagnostic or treatment facilities such as community health centers, outpatient clinics and laboratories operated by public, voluntary, commercial or professional associations or organizations. However, nothing herein shall be construed as requiring the licensing of facilities which are maintained and operated for the continuing care of one person; of facilities maintained and operated for the sole benefit of persons related to the owner or manager by blood or marriage within the third degree of consanguinity; of physicians' offices and related facilities; of shared homes for adults which are certified by the director of the division of welfare; of offices and related facilities of other persons licensed in this state to practice a health care profession; or of facilities which may be exempted by rules lawfully promulgated hereunder.

Amend the bill by striking out all after section 6 and inserting in place thereof the following:

7 Laboratory Licenses. Amend RSA 151:5 (supp) as amended by striking out said section and inserting in place thereof the following:

151:5 Licenses. Licenses issued hereunder shall expire one year after date of issuance, or upon such uniform dates annually, as the department of health and welfare, division of public health services, may prescribe by regulation. Licenses shall be issued only for the premises and persons named in the application, and shall not be transferable or assignable. Licenses shall

be posted in a conspicuous place on the licensed premises. Fees for an annual license shall be:

facilities with inpatient beds
\$2.50 per bed per year

laboratories
\$65.00 per year for each category of testing licensed

facilities without inpatient beds
\$50.00 per year

Inpatient bed for the above purpose means: Bed held out for continuous overnight occupancy.

8 Rules and Regulations; Facilities Substituted. Amend RSA 151:9 as amended by striking out said section and inserting in place thereof the following:

151:9 Rules and Regulations. The department of health and welfare, division of public health services, with the advice of the advisory commission on health and welfare shall adopt, promulgate and enforce rules, regulations and standards with respect to the different types of facilities to be licensed hereunder as may be designed to further the accomplishment of the purposes hereof as herein set forth; such rules, regulations and standards shall be modified, amended or rescinded from time to time by said division with the advice of the advisory commission on health and welfare as may be in the public interest; excepting, however, the state board of fire control may in accordance with the provisions of RSA 153 adopt, promulgate, modify, amend, rescind, supervise and enforce rules, regulations and standards and supervise and enforce all laws, relative to the protection of life and property from fire, fire hazards and related matters; and it may prescribe, make or cause to be made inspections relative to such matters. No such rules, regulations or standards shall be adopted or enforced which would have the effect of denying a license to a facility required to be licensed hereunder, solely by reason of the school or system or practice employed or permitted to be employed by physicians therein; provided that such school or system of practice is recognized by the laws of the state. Provided, however, that no regulation or requirement shall be made nor standard established under this chapter for any facility conducted for those who rely upon treatment by spiritual means or prayer in accordance with the creed or tenets of any well recognized church or religious denomination, except as to the sanitary and safe conditions of the premises, cleanliness of operation, and its physical equipment.

9 Penalties; Facility Substituted. Amend RSA 151:16 as amended by striking out in line 4 the word "institution" and in line 10 the word "hospital" and inserting in place thereof the following (facility) so that said section as amended shall read as follows:

151:16 Penalties. Any person, partnership, association, or corporation, including state or county or local governmental units or any division,

department, board or agency thereof establishing, conducting, managing, or operating any facility within the meaning of this chapter, without first obtaining a license therefor as herein provided, or who shall violate any of the provisions of this chapter or regulations lawfully promulgated thereunder, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person, for the first offense. For a subsequent offense, a person shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Each day such facility shall operate after a first conviction shall be considered a subsequent offense.

10 Injunction; Facility Substituted. Amend RSA 151:17 as amended by striking out in lines 7 and 11 the word "hospital" and inserting in place thereof the following (facility) so that said section as amended shall read as follows:

151:17 Injunction. The department of health and welfare, division of public health services, may, in accordance with the laws of the state governing injunctions and other process, maintain an action in the name of the state against any person, partnership, association, or corporation, or state, county or local governmental unit, or any division, department, board or agency thereof, for establishing, conducting, managing or operating any facility within the meaning of the chapter without first having a license therefor as herein provided. In charging any defendant in a complaint in such action, it shall be sufficient to charge that such defendant did, upon a certain day and in a certain county, establish, conduct, manage, or operate a facility without having a license to do so, without averring any further or more particular facts concerning the same.

11 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Townsend moved that HB 240 be made a Special Order awaiting a floor amendment. Adopted.

HB 548, relative to cremation of dead bodies. Ought to Pass with Amendment.

The bill removes the statutory requirement that a dead body be encased in a casket prior to cremation, and specifies that a suitable firm container of wood or cardboard be made available by funeral directors for the purpose. Committee vote 17-0. Rep. Joseph A. MacDonald for Health and Welfare.

Rep. Helen Wilson yielded to questions.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Containers. Amend RSA 325-A:4 (supp) as inserted by 1971, 352:1 by striking out said section and inserting in place thereof the following:

325-A:4 Containers. Bodies to be cremated shall be contained in a suitable box, which may be of rigid cardboard or wood, with a moisture-proof bottom. All

funeral directors shall have such containers in stock and shall advise clients of their availability.

Amendment adopted.

Ordered to third reading.

HB 762, relative to establishing human services coordinating councils. Ought to Pass with Amendment.

Human services councils are the result of grassroots participation and concern for the needs of their respective communities. Vote was 8-5. Rep. Marion L. Copenhaver for Health and Welfare.

Amendment

Amend RSA 171-B:1, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. "Human services" means all public and privately supported social welfare services, health, welfare and recreation services dealing with the problems and needs of people.

Amend the introductory paragraph of RSA 171-B:3 by striking out same and inserting in place thereof the following:

Human services coordinating councils may:

Amendment adopted.

Rep. Selway offered an amendment:

Amendment

Amend RSA 171-B:5 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

171-B:5 State Reporting Relationships. As the human services coordinating councils shall interact with state agencies at the departmental and divisional level, said councils shall report at least on an annual basis to the advisory commission on health and welfare.

The Assistant Clerk read the amendment.

Rep. Selway spoke to his amendment.

Rep. Helen Wilson spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

A quorum count was requested.

The Speaker declared a quorum present.

HB 831, concerning delinquency, child protection and children in need of services. Majority: Ought to Pass with Amendment. Minority: Refer to Committee on Health and Welfare for Interim Study.

MAJORITY: This bill is a comprehensive reorganization of RSA 169, the statute dealing with abused, neglected and delinquent children, as well as children in need of services. The bill is a result of the Health and Welfare Committee's request that one bill be produced which would reflect the philosophy of all groups working with troubled children. The groups involved in the formation of this bill and expressing their support included the Youth Development Center, the Attorney General's Office, the Commission on

Children and Youth, Community Mental Health Centers, Division of Welfare, Child and Family Services, Probation Officers, Juvenile Officers, Crime Commission, District Court Judges, Judicial Planning Committee, County Commissioners, Public Defenders, Local Welfare Workers, and Public Defenders. The bill does not add new programs. Rep. Patricia J. Blanchette for the Majority of Health and Welfare.

MINORITY: This bill puts an unfeasible financial burden on towns and cities. Rep. Eugene S. Daniell, Jr. for Minority of Health and Welfare.

Rep. Daniell moved that the report of the Minority, Refer to the Committee on Health and Welfare for Interim Study, be substituted for the report of the Majority, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Reps. Helen Wilson, Blanchette, Epstein and Murray spoke against the motion and yielded to questions.

Reps. Wiggins and McAvoy spoke in favor of the motion.

Rep. Farnham spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 155 NAYS 154
YEAS 155

BELKNAP: Bordeau and Morin.

CARROLL: Roderick Allen, Chase, Dickinson, Heath, Howard and Kenneth Smith.

CHESHIRE: Crane, Galloway, Kohl, Matson, Miller, Moore, O'Connor, Scranton, Vrakatis and Jean White.

COOS: Elmer Beaulac, Burns, Chappell, Fortier, Horton, George Lemire, Mayhew, Oleson, Richardson, Alcide Valliere, Wiswell and York.

GRAFTON: Ira Allen, George Cate, Christy, Dearborn, Foster, Low, McAvoy, Pepitone, Snell, Thomson and Andrew Ware.

HILLSBOROUGH: Archambault, Aubut, Baker, Wilfrid Boisvert, Brack, Yvette Chagnon, Compagna, Corey, Coutermarsh, Crotty, Dolbec, Beverly Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Sal Grasso, Heald, Jamrog, Karnis, Keefe, Labombarde, Lefebvre, Madigan, Martineau, Mazur, McCarthy, McDonough, McLaughlin, Milton Meyers, Morgan, Naro, Odell, Peter Parady, Perkins, Podles, Polak, Record, Reidy, Paul Riley, Sallada, Stylianos, James Sullivan, Thibeault, Rock Tremblay, Van Loan, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Allgeyer, Ayles, Bellerose, Bibbo, John Cate, Milton Cate, Clements, Colby, Daniell, LaBranche, Locke, Mitchell, Nichols, Plourde, Randlett, Shepard, Gerald Smith and Waters.

ROCKINGHAM: Benton, Blake, William Boucher,

Roy Davis, Robert Day, Ellyson, Flanagan, Greene, Kane, Kashulines, Roger King, Kozacka, LoFranco, Lovejoy, Norman Myers, Nelson, Newell, Peterson, Pevear, Schmidtchen, Sytek, Tavitian, Vlack, Wolfson and Woodman.

STRAFFORD: Ronald Chagnon, Donnelly, Gosselin, Joos, Prav, Dennis Ramsey, Tripp and Winkley.

SULLIVAN: Brodeur, Cutting, D'Amanre, Domini, Sim Grav, LeBrun, Palmer and Wiggins.

NAYS 154

BELKNAP: Beard, Birch, Bowler, Garv Dionne, French, Hanson, Hildreth, Mansfield, Matheson, Randall, Sabbow and Sanders.

CARROLL: Desjardins and Kenneth MacDonald.

CHESHIRE: Baybutt, Jesse Davis, Daniel Eaton, Ernst, Ladd, Proctor, William Riley and Russell.

COOS: Bouchard, Brungot, Bradley Haines and Theriault.

GRAFTON: Aldrich, Chambers, Copenhaver, Crory, Michael King, Logan, Lowmes, Mann, McIver, Rounds, Seely, Taffe, Walter and Ward.

HILLSBOROUGH: Ainley, Bosse, Boyer, Burkush, Corser, Catherine-Ann Dav, L. Penny Dion, Donovan, Guidi, Hall, Hardy, Head, Hendrick, Howard Humphrey, Thomas Hynes, Morrison, Mulligan, Murray, Nardi, Pappas, Pastor, Peters, Plomaritis, Proulx, Peter Ramsey, Roy, Silva, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Vachon, Welch and M. Arnold Wight.

MERRIMACK: Blakeney, Rodi, Carroll, Epstein, Holliday, James Humphrey, McLane, O'Neill, Packard, Paire, Doris Riley, Selway, Stio, Stockman, Stokes, Trachy, Rick Trombly, Underwood and Ernest Valliere.

ROCKINGHAM: Appel, Blanchette, Butler, Cahill, Marilyn Campbell, Carpenito, Collins, Connors, Patricia Cote, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Hartford, Hoar, Jackson, Jones, Krasker, Landry, Lavcock, Leslie, Joseph MacDonald, McEachern, Pantelakos, Parolise, Parr, Pucci, Quimby, Reese, Rogers, Scamman, Schwaner, Skinner, Freda Smith, Splaine, Stimmell, Vartanian, Warburton, Helen Wilson and Woinowski.

STRAFFORD: Burchell, Canney, DeNafio, Farnham, Hebert, Morrisette, Pine, Preston, Robinson, Sackett, Schreiber, Donald Smith, Valley, Vaughan and Whitehead.

SULLIVAN: David Campbell, Spanos, Spaulding and Townsend, and the motion was adopted.

Question being on the substituted committee report, Refer to the Committee on Health and Welfare for Interim Study.

Rep. Daniell moved that HB 831 be laid upon the table.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 179 NAYS 154
YEAS 179

BELKNAP: Bordeau and Morin.

CARROLL: Roderick Allen, Chase, Dickinson, Heath, Howard and Kenneth Smith.

CHESHIRE: Crane, Jesse Davis, Galloway, Matson, Miller, Moore, O'Connor, Scranton, Vrakatitsis and Jean White.

COOS: Elmer Beaulac, Bouchard, Burns, Chappell, Fortier, Guav, Horton, George Lemire, Mayhew, Oleson, Richardson, Alcide Valliere, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Christy, Foster, Logan, Low, Lowmes, McAvoy, McIver, Pepitone, Snell and Thomson.

HILLSBOROUGH: Archambault, Arris, Aubut, Baker, Wilfrid Boisvert, Brack, Burkush, Carswell, Yvette Chagnon, Compagna, Corev, Joseph Cote, Coutermarsh, Craig, Crotty, Dolbec, Beverly Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Sal Grasso, Heald, Howard Humphrey, Thomas Hynes, Jamrog, Karnis, Keefe, Lahomharde, Lefehvre, Madigan, Martineau, Mazur, McCarthy, McDonough, McLaughlin, Milton Meyers, Morgan, Naro, Peter Parady, Perkins, Poddes, Polak, David Ramsav, Record, Reidy, Paul Riley, Roy, Sallada, Stylianos, James Sullivan, Thibeault, Rock Tremblay, Vachon, Van Loan, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White, M. Arnold Wight and Zajdel.

MERRIMACK: Ayles, Bellerose, Bibbo, John Cate, Milton Cate, Clements, Colby, Daniell, James Humphrey, LaBranche, Locke, Mitchell, Nichols, Paire, Randlett, Doris Riley, Selway, Shepard, Gerald Smith, Stio and Waters.

ROCKINGHAM: Benton, Blake, William Boucher, Roy Davis, Robert Day, Ellvson, Flanagan, Greene, Griffin, Kane, Kashulines, Roger King, Kozacka, LoFranco, Lovejoy, McEachern, Norman Myers, Nelson, Newell, Parr, Peterson, Schmidtchen, Schwaner, Tavitian, Vlack, Warburton, Wolfsen and Woodman.

STRAFFORD: Ronald Chagnon, Donnelly, Drew, Gosselin, Joos, Maglaras, Pray, Dennis Ramsey, Robinson, Tripp and Winklev.

SULLIVAN: Brodeur, Cutting, D'Amante, Domini, Sim Grav, LeBrun, Palmer and Wiggins.

NAYS 154

BELKNAP: Beard, Birch, Bowler, Gary Dionne, French, Hanson, Hildreth, Mansfield, Matheson, Randall, Sabhow and Sanders.

CARROLL: Desjardins, Kenneth MacDonald and Towle.

CHESHIRE: Baybutt, Jesse Davis, Daniel Eaton, Ernst, Ladd, Proctor, William Riley and Russell.

COOS: Brungot, Bradley Haynes and Theriault.

GRAFTON: Chambers, Copenhaver, Crory, Dearborn, Michael King, LaMott, Mann, Rounds, Seely, Taffe, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Ainlev, Bosse, Royer, Corser, Catherine-Ann Day, L. Penny Dion, Donovan, Peter Flynn, Guidi, Hall, Hardy, Head, Hendrick, Morrison, Mulligan, Murray, Nardi, Odell, Pappas, Pastor, Peters, Plomaritis, Proulx, Peter Ramsey, Silva, Edward Smith, Leonard Smith, Soucv, Spirou, Stahl, and Wallin.

MERRIMACK: Allgeyer, Blakeney, Bodi, Carroll, Epstein, Holliday, Kidder, McLane, O'Neill, Packard, Plourde, Stockman, Stokes, Trachy, Rick Trombly, Underwood, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Blanchette, Butler, Cahill, Marilvn Campbell, Carpenito, Collins, Connors, Patricia Cote, Dunfey, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Hartford, Hoar, Jackson, Jones, Keenan, Krasker, Landry, Laycock, Leslie, Joseph MacDonald, Newman, Pantelakos, Parolise, Pevear, Pucci, Quimby, Reese, Rogers, Scamman, Skinner, Freda Smith, Splaine, Stimmell, Sytek, Vartanian, Helen Wilson and Woinowski.

STRAFFORD: Burchell, Canney, DeNafio, Farnham, Hebert, James Hercchek, Lessard, McManus, Morrisette, Nadeau, Pine, Preston, Sackett, Schreiber, Donald Smith, Valley, Vaughn and Whitehead.

SULLIVAN: David Campbell, Spanos, Spaulding and Townsend, and HB 831 was laid upon the table.

The Speaker called for the Special Order.

HB 536, relative to the right of employees to freely decide whether to support labor organizations. Majority: Inexpedient to Legislate. Minority (Reps. Gould, Nichols, Sallada, Schmidtchen and Tremblay): Ought to Pass.

MAJORITY: The real purpose of the so called Right-to-Work law is to accomplish a weakening of labor under the guise of preserving or restoring individual liberties. Union shops only exist where management has agreed to it through the collective bargaining process. A measure such as HB 536 in its present form would negate any agreement between an employer and a labor organization. New Hampshire does not need this measure to create jobs. Our low unemployment rate and large number of available jobs has New Hampshire already providing its citizens with a far greater true Right-to-Work than 90% of the so-called Right-to-Work states which have created jobs at a much slower pace. Committee vote was 11-4. Rep. Kevin T. Mulligan for Majority of Labor, Human Resources and Rehabilitation. MINORITY: Labor unions are private organizations. They should not have the same power to tax that government has. If a private organization provides a

good service, people will buy the service. If the service is marginal or poor, there should be no compulsion to join. The issue here is personal freedom - the right to join or not join a union. This country was built on such fundamental rights as free choice! Reps. Kenneth H. Gould, Avis B. Nichols, Roland A. Sallada, Roland H. Schmidtchen and Rock G. Tremblay for Minority of Labor, Human Resources and Rehabilitation.

Rep. Gould moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Skinner, Oleson, Reidy, Stvlianos, Gosselin, Warburton and Guav spoke against the motion.

Reps. Elmer Johnson, Ernst, Arris, Baybutt and Dolbec spoke in favor of the motion.

Rep. Paul Riley spoke to the motion.

Rep. Murray requested a quorum count.

The Speaker declared a quorum present.

Reps. Murray, Yvette Chagnon and

Labombarde spoke in favor of the motion.

Reps. Spirou, Parr, Zajdel and Sackett spoke against the motion.

(Rep. French in the Chair)

Reps. Daniell, Quimby, Ernest Valliere and Rick Trombly spoke against the motion.

Rep. O'Connor spoke in favor of the motion.

(Speaker in the Chair)

Reps. M. Arnold Wight and Dickinson spoke in favor of the motion.

Rep. Proctor requested a quorum count.

The Speaker declared a quorum present.

Reps. Plourde and Coutermarsh spoke against the motion.

Rep. Silva spoke in favor of the motion.

Rep. French moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 177 NAYS 165

YEAS 177

BELKNAP: Birch, French, Matheson, Morin, Randall, Sabhow and Sanders.

CARROLL: Roderick Allen, Chase, Desiardins, Dickinson, Heath, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Jesse Davis, Eisengrein, Ernst, Galloway, Johnson, Kohl, Ladd, Miller, Moore, O'Connor, Scranton, Vrakatisis and Jean White.

COOS: Brungot, Burns, Chappell, Horton, Richardson, Alcide Valliere and Wiswell.

GRAFTON: Aldrich, Ira Allen, George Cate, Christy, Dearborn, Foster, LaMott, Logan, Low, Lownes, Mann, McAvoy, McIver, Pepitone, Rounds, Seely, Snell, Taffe, Thomson and Andrew Ware.

HILLSBOROUGH: Ainley, Arris, Bosse, Carswell, Yvette Chagnon, Compagna, Corev, Craig, Dolbec, Raymond Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Hall, Hardy, Heald, Howard Humphrey, Karnis, Keefe, Labombarde, Marcoux, Martineau, Mazur, McCarthy, McLaughlin, Morgan, Murray, Naro, Odell, Peter Parady, Perkins, Peters, Podles, Polak, David Ramsay, Record, Paul Riley, Sallada, Silva, Edward Smith, Leonard Smith, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, John Cate, Milton Cate, Clements, Colby, James Humphrey, Kidder, LaBranche, Locke, Mitchell, Nichols, Packard, Paire, Randlett, Doris Riley, William Roberts, Shepard, Stio, Stockman, Waters and Wiviott.

ROCKINGHAM: Appel, Benton, Blake, William Boucher, Butler, Cahill, Marilyn Campbell, Patricia Cote, Robert Day, Ellyson, Flanagan, Carl Gage, Gould, Griffin, Hoar, Jackson, Jones, Kane, Roger King, Lovejoy, Norman Myers, Nelson, Newell, Pevear, Reese, Rogers, Schmidtchen, Svtak, Tavitian, Vartanian, Vlack, Helen Wilson and Wolfson.

STRAFFORD: Farnham, Gauvin, Joos, McManus, Pray, Preston and Tripp.

SULLIVAN: Cutting, Domini, Sim Gray, Lucas, Palmer, Spaulding, Townsend and Wiggins.

NAYS 165

BELKNAP: Beard, Bordeaux, Bowler, Gary Dionne, Hanson and Hildreth.

CARROLL: None.

CHESHIRE: Crane, Matson, Proctor, Margaret Ramsay, William Riley and Russell.

COOS: Elmer Beaulac, Bouchard, Fortier, Guay, Bradley Haynes, George Lemire, Mayhew, Oleson, Theriault and York.

GRAFTON: Chambers, Copenhaver, Corv, Michael King, Walter and Ward.

HILLSBOROUGH: Archambault, Aubut, Baker, Wilfrid Boisvert, Boyer, Brack, Burkush, Corser, Joseph Cote, Coutermarsh, Crott, Catherine-Ann Day, Donovan, Beverly Dupont, Peter Flynn, Gabrielle Gagnon, Gelinis, Guidi, Healy, Hendrick, Thomas Hynes, Jamrog, Kaklamanos, Lefebvre, Lyons, Madigan, McDonough, Milton Meyers, Morrison, Mulligan, Nardi, Pappas, Pastor, Plomaritis, Proulx, Peter Ramsey, Reidy, Roy, Soucy, Spirou, Stahl, Stvlianos, Francis Sullivan, James Sullivan, Thibeault, Rock Tremblay, Vachon, Van Loan, Wallace, Wallin, Welch, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Allgever, Bellerose, Blakeney, Bodi, Carroll, Daniell, Epstein, Holliday, McLane, O'Neill, Plourde, Selway, Gerald Smith, Stokes, Trachy, Rick Trombly, Underwood and Ernest Valliere.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Collins, Connors, Roy Davis,

Dunfey, Joseph Flynn, Beverly Gage, Gibbons, Greene, Hartford, Kashulines, Keenan, Kozacka, Krasker, Landry, Lavcock, Leslie, LoFranco, Joseph MacDonald, McEachern, Newman, Pantelakos, Parolise, Parr, Peterson, Pucci, Ouimby, Scamman, Skinner, Freda Smith, Stickney, Stimmell, Warburton, Wojnowski and Woodman.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Donnelly, Drew, Gosselin, Hebert, Dianne Herchek, James Herchek, Lessard, Maglaras, Morrisette, Nadeau, Pine, Dennis Ramsey, Robinson, Sackett, Schreiber, Donald Smith, Valley, Vaughan, Whitehead and Winkley.

SULLIVAN: Brodeur, David Campbell, D'Amante, LeBrun and Spanos, and the motion was adopted.

Question being on the adoption of the substituted committee report, Ought to Pass.
Rep. Dickinson offered an amendment:

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Existing Agreements. The provisions of this chapter shall not apply to any agreement, understanding, or practice, written or oral, between an employer and a labor organization, existing on the effective date of this act.

3 Effective Date. This act shall take effect 60 days after its passage.

The Assistant Clerk read the amendment.
Rep. Dickinson spoke to his amendment.
Amendment adopted.

Rep. Plourde moved that HB 536 be Indefinitely Postponed.
Rep. Dickinson spoke against the motion.
Rep. George Lemire spoke in favor of the motion.
Rep. Plourde spoke to his motion.
Rep. McDonough spoke in favor of the motion and yielded to questions.
Rep. Wiggins spoke against the motion.
Rep. Rod Allen moved that further debate be limited to 10 minutes equally divided.
Rep. French requested a roll call.
Sufficiently seconded.

(Speaker presiding)
YEAS 138 NAYS 201
YEAS 138

BELKNAP: Bordeau, Bowler, Hildreth and Randall.

CARROLL: Roderick Allen.

CHESHIRE: Eisengrein, Matson, Proctor, Margaret Ramsay, Russell and Vrakatisis.

COOS: Elmer Beaulac, Bouchard, Guay, Bradley Haynes, Mayhew, Oleson, Alcide Valliere, Wiswell and York.

GRAFTON: Ira Allen, Chambers, Copenhaver, Crory, Pepitone, Rounds, Seely and Walter.

HILLSBOROUGH: Archambault, Aubut, Baker,

Corser, Joseph Cote, Crotty, Catherine-Ann Day, Beverly Dupont, Joseph Eaton, Gabrielle Gagnon, Guidi, Head, Healy, Thomas Hynes, Lamrog, Kaklamanos, Lyons, Madigan, Milton Meyers, Morrison, Mulligan, Nardi, Naro, Pastor, Proulx, Peter Ramsey, Roy, Fallada, Soucy, Spirou, Stahl, Stylianos, Francis Sullivan, James Sullivan, Thiheault, Rock Tremblay, Vachon, Van Loan, Wallin, Welch, Kenneth Wheeler, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Blakeney, Bodi, Carroll, Milton Cate, Daniell, Holliday, O'Neill, Plourde, Selway, Gerald Smith, Trachy, Underwood and Ernest Valliere.

ROCKINGHAM: Aeschliman, Blanchette, William Boucher, Butler, Cahill, Carpenito, Collins, Connors, Roy Davis, Dunfey, Flanagan, Joseph Flynn, Beverly Gage, Hartford, Keenan, Kozacka, Krasker, Landry, Laycock, Leslie, LoFranco, Norman Myers, Pantelakos, Parolise, Parr, Peterson, Schmidtchen, Skinner, Freda Smith, Stickney, Warburton and Wojnowski.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Drew, Hebert, Dianne Herchek, James Herchek, Lessard, Morrisette, Nadeau, Pine, Robinson, Sackett and Winkley.

SULLIVAN: Brodeur, D'Amante, Domini, LeBrun, Lucas, Palmer and Spanos.

NAYS 201

BELKNAP: Beard, Birch, Gary Dionne, French, Hanson, Mansfield, Matheson, Morin, Sabhow and Sanders.

CARROLL: Chase, Desjardins, Dickinson, Heath, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Crane, Jesse Davis, Ernst, Galloway, Johnson, Kohl, Ladd, Miller, Moore, O'Connor, William Riley, Scranton and Jean White.

COOS: Brungot, Burns, Chappell, Fortier, Horton, George Lemire, Richardson and Theriault.

GRAFTON: Aldrich, George Cate, Christy, Dearborn, Foster, Michael King, LaMott, Logan, Low, Lowmes, Mann, McAvoy, McIver, Snell, Taffe, Thomson, Ward and Andrew Ware.

HILLSBOROUGH: Ainley, Arris, Wilfrid Boisvert, Bosse, Bover, Brack, Burkush, Carswell, Yvette Chagnon, Compagna, Corey, Coutermarsh, Craig, Dolbec, Donovan, Raymond Dupont, Clyde Eaton, Peter Flynn, Nancy Gagnon, Gelin, Girolimon, Granger, Sal Grasso, Hall, Hardy, Heald, Hendrick, Howard Humphrey, Karnis, Keefe, Labombarde, Lefebvre, Marcoux, Martineau, Mazur, McLaughlin, Morgan, Murray, Odell, Pappas, Peter Parady, Perkins, Peters, Plomaritis, Podles, Polak, David Ramsay, Record, Paul Riley, Silva, Edward Smith, Leonard Smith, Wallace, Eliot Ware, Weaver, Emma Wheeler and M. Arnold Wight.

MERRIMACK: Allgeyer, Ayles, Bellerose,

Bibbo, John Cate, Clements, Colby, Epstein, James Humphrey, Kidder, LaBranche, Locke, McLane, Mitchell, Nichols, Packard, Paire, Randlett, Doris Riley, William Roberts, Shepard, Stio, Stockman, Stokes, Rick Trombly, Waters and Wiviott.

ROCKINGHAM: Appel, Benton, Blake, Marilyn Campbell, Patricia Cote, Robert Dav, Ellyson, Carl Gage, Gibbons, Gould, Greene, Griffin, Hoar, Jackson, Jones, Kane, Kashulines, Roger King, Lovejoy, Joseph MacDonald, Nelson, Newell, Newman, Pevear, Pucci, Quimby, Reese, Rogers, Scamman, Stimmell, Sytek, Tavitian, Vartanian, Vlack, Helen Wilson, Wolfsen and Woodman.

STRAFFORD: Donnelly, Farnham, Gauvin, Gosselin, Joos, McManus, Pray, Preston, Dennis Ramsey, Schreiber, Donald Smith, Tripp, Valley, Vaughan and Whitehead.

SULLIVAN: David Campbell, Cutting, Sim Gray, Spaulding, Townsend and Wiggins, and the motion to limit debate lost.

Rep. Reidy moved that HB 536 be laid upon the table.
A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 160 NAYS 183
YEAS 160

BELKNAP: Bordeaux, Bowler, Gary Dionne, Hanson and Hildreth.

CARROLL: None.

CHESHIRE: Matson, Proctor, Margaret Ramsay, William Riley and Russell.

COOS: Elmer Beaulac, Bouchard, Fortier, Guay, Bradley Haynes, George Lemire, Mayhew, Oleson, Theriault, Alcide Valliere and York.

CRAFTON: Chambers, Copenhaver, Crory, Michael King, Walter and Ward.

HILLSBOROUGH: Archambault, Aubut, Baker, Wilfrid Boisvert, Boyer, Brack, Burkush, Corser, Joseph Cote, Coutermarsh, Crotty, Catherine-Ann Day, Donovan, Beverly Dupont, Peter Flynn, Gabrielle Gagnon, Gelinas, Guidi, Healy, Hendrick, Thomas Hynes, Jamrog, Kaklamanos, Lyons, Madigan, McDonough, Milton, Meyers, Morrison, Mulligan, Nardi, Pappas, Pastor, Plomaritis, Proulx, Peter Ramsey, Reidy, Roy, Soucy, Spirou, Stahl, Stylianos, Francis Sullivan, James Sullivan, Thibeault, Rock Tremblay, Vachon, Wallace, Wallin, Welch, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Bellerose, Blakeney, Rodi, Carroll, Daniell, Epstein, Holliday, McLane, O'Neill, Plourde, Selway, Gerald Smith, Stokes, Trachy, Rick Trombly, Underwood and Ernest Valliere.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Collins, Connors, Roy Davis, Dunfee, Joseph Flynn, Beverly Gage, Gibbons, Hartford, Kashulines, Keenan, Kozacka, Krasker, Landry, Laycock, Leslie, LoFranco,

Joseph MacDonald, McEachern, Newman, Pantelakos, Parolise, Parr, Peterson, Pucci, Ouimby, Scamman, Skinner, Freda Smith, Stickney, Warburton, Wojnowski and Woodman.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Donnelly, Drew, Gauvin, Gosselin, Dianne Herchek, James Herchek, Joos, Lessard, Maglaras, Morrisette, Nadeau, Pine, Robinson, Sackett, Schreiber, Donald Smith, Valley, Vaughan, Whitehead and Winkley.

SULLIVAN: Brodeur, David Campbell, D'Amante, LeBrun, Lucas and Spanos.

NAYS 183

BELKNAP: Beard, Birch, French, Mansfield, Matheson, Morin, Randall, Sabbow, and Sanders.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson, Heath, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Crane, Jesse Davis, Eisengrein, Ernst, Galloway, Johnson, Kohl, Ladd, Miller, Moore, O'Connor, Scranton, Vrakatisis and Jean White.

COOS: Brungot, Burns, Chappell, Horton, Richardson and Wiswell.

GRAFTON: Aldrich, Ira Allen, George Cate, Christy, Dearborn, Foster, LaMott, Logan, Low, Lowmes, Mann, McAvoy, McIver, Pepitone, Rounds, Seely, Snell, Taffe, Thomson and Andrew Ware.

HILLSBOROUGH: Ainley, Arris, Bosse, Carswell, Vvette Chagnon, Compagna, Corey, Craig, Dolbec, Raymond Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Hall, Hardy, Heald, Howard Humphrey, Karnis, Keefe, Labomharde, Lefebvre, Marcoux, Martineau, Mazur, McCarthy, McLaughlin, Morgan, Murrav, Naro, Odell, Peter Parady, Perkins, Peters, Podles, Polak, David Ramsay, Record, Paul Riley, Sallada, Silva, Edward Smith, Leonard Smith, Van Loan, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler, and M. Arnold Wright.

MERRIMACK: Allgeyer, Ayles, Bibbo, John Cate, Milton Cate, Clements, Colby, James Humphrey, Kidder, LaBranche, Locke, Mitchell, Nichols, Packard, Paire, Randlett, Doris Riley, William Roberts, Shepard, Stio, Stockman, Waters and Wiviott.

ROCKINGHAM: Appel, Benton, Blake, William Boucher, Butler, Cahill, Marilyn Campbell, Patricia Cote, Robert Day, Ellyson, Flanagan, Carl Gage, Gould, Greene, Griffin, Hoar, Jackson, Jones, Kane, Roger King, Lovejoy, Norman Myers, Nelson, Newell, Pevear, Reese, Rogers, Schmidtchen, Stimmell, Sytek, Tavitian, Vartanian, Vlack, Helen Wilson and Wolfsen.

STRAFFORD: Farnham, Hebert, McManus, Pray, Preston, Dennis Ramsey and Tripp.

SULLIVAN: Cutting, Domini, Sim Gray,

Palmer, Spaulding, Townsend and Wiggins, and the motion lost.

Rep. Dolbec moved the previous question on all pending motions. Sufficiently seconded. Adopted.

Question being on the motion as offered by Rep. Plourde that HR 536 be Indefinitely Postponed.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 161 NAYS 182
YEAS 161

BELKNAP: Beard, Bordeau, Bowler, Gary Dionne, Hanson and Hildreth.

CARROLL: None.

CHESHIRE: Matson, Proctor, Margaret Ramsay, William Riley, and Russell.

COOS: Elmer Beaulac, Bouchard, Fortier, Guav, Bradley Haynes, George Lemire, Mayhew, Oleson, Theriault, Alcide Valliere and York.

GRAFTON: Chambers, Copenhaver, Crory, Michael King, and Walter.

HILLSBOROUGH: Archambault, Auhut, Baker, Wilfrid Boisvert, Boyer, Brack, Burkush, Corser, Joseph Cote, Coutermarsh, Crotty, Catherine-Ann Day, Donovan, Beverly Dupont, Peter Flynn, Gabrielle Gagnon, Gelinas, Guidi, Healy, Hendrick, Thomas Hynes, Jamrog, Kaklamanos, Lyons, Madigan, McDonough, Milton Meyers, Morrison, Mulligan, Nardi, Pappas, Pastor, Plomaritis, Proulx, Peter Ramsey, Reidy, Roy, Soucv, Spirov, Stahl, Stylianos, Francis Sullivan, James Sullivan, Thibeault, Rock Tremblay, Vachon, Wallace, Wallin, Welch, Robert Wheeler, James J. White, and Zajdel.

MERRIMACK: Bellerose, Blakenev, Bodi, Carroll, Milton Cate, Daniell, Epstein, Holliday, McLane, O'Neill, Plourde, Selway, Gerald Smith, Stokes, Trachv, Rick Tromblv, Underwood and Ernest Valliere.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Collins, Connors, Roy Davis, Dunfey, Joseph Flynn, Beverly Gage, Gibbons, Hartford, Kashulines, Keenan, Kozacka, Krasker, Landry, Laycock, Leslie, LoFranco, Joseph MacDonald, McEachern, Newman, Pantelakos, Parolise, Parr, Peterson, Pucci, Quimby, Scamman, Skinner, Freda Smith, Stickney, Stimmell, Warburton, Wojnowski and Woodman.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Donnelly, Drew, Gosselin, Dianne Herche, James Herche, Lessard, Maglaras, Morrisette, Nadeau, Pine, Dennis Ramsey, Robinson, Sackett, Schreiber, Donald Smith, Valley, Vaughan, Whitehead, and Winklev.

SULLIVAN: Brodeur, David Campbell, D'Amante, LeBrun, Lucas and Spanos.

NAYS 182

BELKNAP: Birch, French, Mansfield, Matheson, Morin, Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson, Heath, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Crane, Jesse Davis, Eisengrein, Ernst, Galloway, Johnson, Kohl, Ladd, Miller, Moore, O'Connor, Scranton, Vrakatitsis and Jean White.

COOS: Brungot, Burns, Chappell, Horton, Richardson and Wiswell.

GRAFTON: Aldrich, Ira Allen, George Cate, Christv, Dearborn, Foster, LaMott, Logan, Low, Lownes, Mann, McAvov, McJver, Pepitone, Rounds, Seely, Snell, Taffe, Thomson, Ward and Andrew Ware.

HILLSBOROUGH: Ainley, Arris, Bosse, Carswell, Yvette Chagnon, Compagna, Corey, Craig, Dolbec, Raymond Dupont, Clyde Eaton, Joseph Eaton, Nancv Gagnon, Girolimon, Granger, Sal Grasso, Hall, Hardy, Heald, Howard Humphrey, Karnis, Keefe, Labombarde, Lefebvre, Marcoux Martineau, Mazur, McCarthy, McCarthlin, Morgan, Murray, Naro, Odell, Peter Paradv, Perkins, Peters, Podles, Polak, David Ramsay, Record, Paul Riley, Sallada, Silva, Edward Smith, Leonard Smith, Van Loan, Flot Ware, Weaver, Emma Wheeler, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Allgeyer, Ayles, Bibbo, John Cate, Clements, Colby, James Humphrey, Kidder, LaBranche, Locke, Mitchell, Nichols, Packard, Paire, Randlett, Doris Riley, William Roberts, Shepard, Stio, Stockman, Waters and Wiviott.

ROCKINGHAM: Appel, Benton, Blake, William Boucher, Butler, Cahill, Marilyn Campbell, Patricia Cote, Robert Day, Fllyson, Flanagan, Carl Gage, Gould, Greene, Griffin, Hoar, Jackson, Jones, Kane, Roger King, Lovejov, Norman Myers, Nelson, Newell, Pevear, Reese, Rogers, Schmidtchen, Sytek, Tavitian, Vartanian, Vlack, Helen Wilson, and Wolfesen.

STRAFFORD: Farnham, Gauvin, Hebert, Joos, McManus, Pray, Preston and Tripp.

SULLIVAN: Cutting, Domini, Sim Gray, Palmer, Spaulding, Townsend and Wiggins, and the motion lost.

Question being on the adoption of the substituted committee report, Ought to Pass with Amendment.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 183 NAYS 161
YEAS 183

BELKNAP: Birch, French, Matheson, Morin, Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson, Heath, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Crane, Jesse Davis, Eisengrein, Ernst, Galloway, Johnson, Kohl, Ladd, Miller, Moore, O'Connor, Scranton, Vrakatitsis and Jean White.

COOS: Brungot, Burns, Chappell, Horton, Richardson and Wiswell.

GRAFTON: Aldrich, Ira Allen, George Cate, Christy, Dearborn, Foster, LaMott, Logan, Low, Lownes, Mann, McAvoy, McIver, Pepitone, Rounds, Seely, Snell, Taffe, Thomson, Ward, and Andrew Ware.

HILLSBOROUGH: Ainley, Arris, Rosse, Carswell, Yvette Chagnon, Compagna, Corey, Craig, Dolbec, Raymond Dupont, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Girolimon, Granger, Sal Grasso, Hall, Hardy, Head, Heald, Howard Humphrey, Karnis, Keefe, Labombarde, Lefebvre, Marcoux, Martineau, Mazur, McCarthy, McLaughlin, Morgan, Murray, Naro, Odell, Peter Parady, Perkins, Peters, Podles, Polak, David Ramsay, Record, Paul Riley, Sallada, Silva, Edward Smith, Leonard Smith, Van Loan, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Allgeyer, Ayles, Bibbo, John Cate, Milton Cate, Clements, Colby, James Humphrey, Kidder, LaBranche, Locke, Mitchell, Nichols, Packard, Paire, Randlett, Doris Riley, William Roberts, Shepard, Stio, Stockman, Waters and Wiviott.

ROCKINGHAM: Appel, Benton, Blake, William Boucher, Butler, Cahill, Marilyn Campbell, Patricia Cote, Robert Dav, Ellyson, Flanagan, Carl Gage, Gould, Griffin, Hoar, Jackson, Jones, Kane, Roger King, Lovejoy, Norman Myers, Nelson, Newell, Pevear, Reese, Rogers, Schmidtchen, Stimmell, Sytek, Tavitian, Vartanian, Vlack, Helen Wilson and Wolfson.

STRAFFORD: Farnham, Gauvin, Hebert, Joos, McManus, Pray, Preston and Tripp.

SULLIVAN: Cutting, Domini, Sim Gray, Palmer, Spaulding, Townsend and Wiggins.

NAYS 161

BELKNAP: Beard, Bordeau, Bowler, Gary Dionne, Hanson, Hildreth and Mansfield.

CARROLL: None.

CHESHIRE: Matson, Proctor, Margaret Ramsay, William Riley and Russell.

COOS: Elmer Beaulac, Bouchard, Fortier, Guay, Bradley Haynes, George Lemire, Mayhew, Oleson, Theriault, Alcide Valliere and York.

GRAFTON: Chambers, Copenhagen, Crory, Michael King and Walter.

HILLSBOROUGH: Archambault, Aubut, Baker, Wilfrid Boisvert, Boyer, Brack, Burkush, Corser, Joseph Cote, Coutermarsh, Crotty, Catherine-Ann Day, Donovan, Beverly Dupont, Peter Flynn, Gabrielle Gagnon, Gelinas, Guidi, Healy, Hendrick, Thomas Hynes, Jamrog, Kaklamanos, Lyons, Madigan, McDonough, Milton Meyers, Morrison, Mulligan, Nardi, Pappas, Pastor, Plomaritis, Proulx, Peter Ramsey, Reidy, Roy, Soucy, Spirou, Stahl, Stylianos, Francis Sullivan, James Sullivan, Thiheault, Rock Tremblay, Vachon, Wallace, Wallin, Welch, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Bellerose, Blakeney, Bodi, Carroll, Daniell, Epstein, Holliday, McLane, O'Neill, Plourde, Selway, Gerald Smith, Stokes, Trachy, Rick Trombly, Underwood and Ernest Valliere.

ROCKINGHAM: Aeschliman, Blanchette, Carpenito, Collins, Connors, Roy Davis, Dunfey, Joseph Flynn, Beverly Gage, Gibbons, Greene, Hartford, Kashulines, Keenan, Kozacka, Krasker, Landry, Laycock, Leslie, LoFranco, Joseph MacDonald, McEachern, Newman, Pantelakos, Parolise, Parr, Peterson, Pucci, Ouimby, Scamman, Skinner, Freda Smith, Stickney, Warburton, Wojnowski and Woodman.

STRAFFORD: Burchell, Ronald Chagnon, Denafio, Donnelly, Drew, Gosselin, Dianne Herchek, James Herchek, Lessard, Maglaras, Morrisette, Nadeau, Pine, Dennis Ramsey, Robinson, Sackett, Schreier, Donald Smith, Valley, Vaughan, Whitehead and Winkley.

SULLIVAN: Brodeur, David Campbell, D'Amante, LeBrun, Lucas and Spanos, and the substituted committee report was adopted.

Ordered to third reading.

Rep. Willey notified the Clerk that he wished to be recorded in favor of HB 536.

Reps. Meader, Splaine and Nemzoff-Berman notified the Clerk that they wished to be recorded against HB 536.

SUSPENSION OF RULES

Rep. Townsend moved that the rules be so far suspended as to allow consideration at the present time of HB 832, relative to the treatment of alcoholism, the Committee on Health and Welfare having reported after the deadline.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS (Cont.)

HB 832, relative to the treatment of alcoholism. Ought to Pass.

This bill, by adopting certain provisions of the Uniform Alcoholism and Intoxication Treatment Act, brings New Hampshire in line with all the other states and qualifies us for federal aid we are presently losing. The Committee vote was 13-0. Rep. Matthew S. Epstein for Health and Welfare.

Referred to Appropriations.

HB 851, relative to the treatment of terminal cancer patients and persons suffering from severe glaucoma. Ought to Pass.

The Committee feels that the use of cannabis derivative drugs under medical supervision can help those suffering from terminal cancer and glaucoma. There are no effective alternatives available. The Committee vote was 13-0. Rep. Matthew S. Epstein for Health and Welfare.

Ordered to third reading.

HB 250, relative to collection of support payments by probation officers. Ought to Pass with Amendment.

Bill will qualify New Hampshire for \$839,000 in federal funds each biennium. Vote was 16-0. Rep. Leigh D. Bosse for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the department of probation.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Cooperative Agreement. The department of probation shall enter into a cooperative agreement with the division of welfare, department of health and welfare, so as to maximize its eligibility for federal funds under the federal child support program provided under Title IV, Part D of the Social Security Act, as amended.

Amendment adopted.

Ordered to third reading.

HB 652, relative to the number of challenges of jurors in murder trials. Ought to Pass with Amendment.

The majority of the Committee felt it only fair to afford the State the same number of peremptory challenges as a person accused of first degree murder. Currently, the State is allowed 10 and the defendant 20 peremptory challenges. The amendment removes from the provisions of the bill crimes punishable by death. The vote was 11-4. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Peremptory Challenges. Amend RSA 606:4 as amended by striking out same and inserting in place thereof the following:

606:4 Challenges, State. Upon the trial of murder in the first degree, the state, in addition to challenges for cause, shall be entitled to 20, and in any other case to 3, peremptory challenges.

Amendment adopted.

Ordered to third reading.

HB 630, establishing an approved absence program in houses of correction. Ought to Pass with Amendment.

This is not an "early release," "work release" or "furlough" program; it is an "approved absence" program patterned after the program in use at the State Prison (with excellent results) since 1975. This procedure permits an inmate of the County House of Correction, in the last 90 days of a sentence, to apply for permission to leave the House of Correction for brief periods to visit family, seek future employment, make application for education or vocational training, etc., all of which is valuable

in preparation for return to the community and family. There is no cost to the State or county as the costs of the absence are borne by inmate or family. The bill was completely redrafted to separate the State Prison procedure from that of the County Houses of Correction, for greater clarity, and to facilitate future amendment, if required. Committee vote was 9-1. Rep. Juanita E. Kashulines for Public Protection and Veterans' Affairs.

Amendment

Amend RSA 623-B as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

CHAPTER 623-B

Approved Absences From County Houses of Correction

623-B:1 Authority to Establish Regulations. The superintendent of a county house of correction with the approval of the county commissioners is hereby authorized to establish rules permitting approved absences of eligible inmates who are in their official custody. Said rules shall be subject to the limitations, restrictions and conditions of this chapter and may impose additional limitations, restrictions or conditions. Said rules may be amended from time to time or rescinded, with the approval of the county commissioners. For purposes of this chapter, the term "superintendent" shall mean the person or persons having custody of the house of correction and of the prisoners therein.

623-B:2 Eligibility for Approved Absence.

I. Upon the application of an inmate, the superintendent may grant an approved absence if he determines that the inmate:

(a) Is serving the last 90 days of his sentence or has served 1/2 of his minimum sentence under RSA 651:18, whichever is greater

(b) Pursuant to RSA 651:19 is on work or study release or is a resident of a community correctional center or halfway house;

(c) Is physically and mentally capable of conducting himself during an approved absence without escort; and

(d) Has demonstrated a level of responsibility which provides reasonable assurance that he will comply fully with the requirements of approved absence and will not jeopardize the safety of persons or property in the community.

II. If otherwise eligible under paragraph I, (a), (b), (c) and (d), inmates confined at a county house of correction under the control of the superintendent under RSA 622-A may be eligible for approved absence only if, upon the request of the superintendent, the sending state authorizes such approved absence.

623-B:3 Purposes of Approved Absence.

I. An eligible inmate may be considered for approved absence only for the following purposes:

(a) Visits with the inmate's family;

(b) Attendance at the funeral of a close relative;

- (c) Obtaining medical treatment;
- (d) Seeking or securing employment;
- (e) Seeking or securing admission to an educational or vocational program;
- (f) Attendance at specific community religious, educational, or vocational activities.

II. In unusual circumstances, an approved absence may be granted for purposes not specified in this section only with the concurrence of the county commissioners.

623-B:4 Duration of Approved Absence.

Every approved absence shall be for a specified period of time which shall be no longer than necessary to accomplish the purpose of the approved absence. An approved absence shall not exceed 7 days except where necessary for extended medical treatment. An approved absence once begun may be extended by the superintendent only where necessary to permit accomplishment of the purpose for which the approved absence was originally granted. The superintendent may shorten or terminate an approved absence in his discretion.

623-B:5 Expenses. All expenses of an approved absence for transport, food, lodging and incidentals shall be borne by the inmate, his family or other sources approved by the superintendent.

623-B:6 Waiver of Extradition. Prior to commencement of an approved absence, the inmate shall be required to execute a waiver of extradition.

623-B:7 Status During Absence. While on approved absence, an inmate continues in the official custody of the superintendent.

623-B:8 Violation of Terms of Approved Absence.

I. If the superintendent has reason to believe that an inmate has violated the terms of an approved absence, he may certify that the inmate has escaped and thereafter shall take all necessary steps to secure the return of the inmate as promptly as possible. Escape from approved absence is escape from official custody within the meaning and subject to the provisions of RSA 642:6

II. A person is guilty of a misdemeanor if he willfully obstructs, intimidates or abets an inmate on approved absence and thereby causes or contributes to cause the inmate to violate the terms of approved absence.

623-B:9 Interpretation of Chapter. This chapter shall not be interpreted as establishing any rights to approved absence, but only as authorizing establishment of provisions for approved absence as part of a program for rehabilitation and reintegration of inmates into the community. This chapter does not affect nor is it affected by the provisions of RSA 651:19, relating to work release and RSA 623, relating to temporary removal of prisoners.

Amend the bill by striking out section 2 and renumbering section 3 to read as 2.

Amendment adopted.

Ordered to third reading.

HB 742, relative to the investigation of fires where arson is suspected. Ought to Pass with Amendment.

This bill requires a two-way communication between fire insurance companies and the Office of the State Fire Marshal. Insurance companies will render a monthly report on all fire damage and loss in excess of \$5,000 and a special report in the event that their investigation reveals that damage more than \$1,000 was caused by a fire of "other than accidental means;" the State Fire Marshal's Office shall promptly apprise a fire insurance company if the Fire Marshal's Office investigation unearths evidence of such a fire. Fire insurance companies and the State Fire Marshal's Office support this legislation. Committee vote 9-0. Rep. Fred W. Snell for Public Protection and Veterans' Affairs.

Amendment

Amend RSA 153:13-a, II, as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. If an insurance company has reason to suspect that a fire loss in the amount of \$1000 or more to its insured's real or personal property was caused by other than accidental means, the company shall notify the office of the state fire marshal and furnish him, either through a recognized bureau or organization of companies or through the secretary or other office of the insurance company, with all relevant material acquired during its investigation of the fire loss, cooperate with and take such reasonable action as may be requested of it by any law enforcement agency, and permit any person so ordered by a court to inspect any of its records pertaining to the policy and the loss.

Amendment adopted.

Ordered to third reading.

HB 818, relative to the transportation of hazardous material. Ought to Pass with Amendment.

This legislation accomplishes two important items: (a) It adopts existing federal regulations regarding the transportation of hazardous materials, and permits the New Hampshire Department of Safety to adopt, if a requirement exists, regulations more stringent than the federal regulations. (b) It spells out in detail, in the event of an incident involving hazardous materials, the authority of the fire officer-in-charge, the State Fire Marshal and the activities of the police at the scene of the incident. Committee vote 9-0. Rep. Paul J. Riley for Public Protection and Veterans' Affairs.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Subdivision. Amend RSA 106-A by inserting after section 16 the following new subdivision:

Transporting of Hazardous Materials

106-A:17 Definition. For the purpose of this subdivision, "hazardous materials" means those substances or materials in such quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce, by all modes which may include, but are not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases which are listed by the Materials Transportation Bureau of the United States Department of Transportation in Title 49 of the Code of Federal Regulations and any amendment thereto.

106-A:18 Duty of Commissioner. The commissioner of the department of safety shall promote the safe transportation of hazardous materials by:

I. Adopting the regulations promulgated by the Materials Transportation Bureau of the United States Department of Transportation contained in parts 170-189 of Title 49 of the Code of Federal Regulations revised as of December 31, 1976, and any amendment or addition thereto, and the regulations promulgated by the Bureau of Motor Carrier Safety, Federal Highway Administration, United States Department of Transportation contained in parts 390-397 of Title 49 of the Code of Federal Regulations, revised as of October 1, 1976, and any amendment or addition thereto and any provisions of any other regulations regarding the transportation of hazardous materials adopted by a federal agency in accordance with RSA 541-A;

II. Adopting rules in accordance with RSA 541-A relative to the transportation of hazardous materials which shall be no less protective of public safety than the rules promulgated by the federal government with respect to such transportation including on-the-spot inspection of vehicles carrying hazardous materials by any police officer.

III. Entering into cooperative agreements with agencies of this and other states and of the federal government in relation to enforcement of rules promulgated pursuant to paragraph II of this section and rules or regulations promulgated by the federal government which apply to transportation in New Hampshire.

106-A:19 Penalty. The operator, owner and custodian of any vehicle transporting hazardous materials in violation of the provisions of this subdivision or rules adopted pursuant to this subdivision shall be guilty of a misdemeanor.

2 Inspections Relative to Hazardous Materials. Amend RSA 106-A:4-a by inserting after paragraph II the following new paragraph:

III. Power to inspect motor vehicles transporting hazardous materials in accordance with RSA 106-A:18, II.

3 Transporting Hazardous Materials. Amend RSA 106-B:11 as amended by inserting in line 5 after the word "criminals" the following (and detecting and stopping vehicles transporting hazardous materials contrary to the rules promulgated by the commissioner of safety and pursuant to RSA 106-B:15) so that said section as amended shall read as follows:

106-B:11 Cooperation with Other Police Forces. The director and employees shall cooperate and exchange information with any other law enforcement agency both within and without this state, including federal authorities, for the purpose of preventing and detecting crime and apprehending criminals and detecting and stopping vehicles transporting hazardous materials contrary to the rules promulgated by the commissioner of safety and pursuant to RSA 106-B:15. With the approval of the commissioner of safety, the director may, on the request of any responsible official of any such agency, assist such official by detailing to him such police employees, for such length of time and under such conditions as the director may deem proper. The director may designate for liaison with the offices of the respective county attorneys or sheriff such number of state police employees as he may deem advisable for each county.

4 Duty of Police. Amend RSA 106-B:12 as amended by inserting in line 4 after the word "thereto" the following (and enforce regulations relative to the transportation of hazardous materials pursuant to RSA 106-A:18 and RSA 106-B:15) so that said section as amended shall read as follows:

106-B:12 Authority and Duties of Police Employees. Police employees shall be ex-officiis constables throughout the state, shall patrol the highways, enforce the highway traffic laws and regulations, enforce the motor vehicle laws relative thereto and enforce regulations relative to the transportation of hazardous materials pursuant to RSA 106-A:18 and RSA 106-B:15, and the director, division of state police, shall report to the director, division of motor vehicles, all violations of and prosecutions under the motor vehicle laws. Police employees shall have general power to enforce all criminal laws of the state and to serve criminal processes and make arrests, under proper warrants, in all counties. They shall not serve civil processes. No police employee shall act, be used or called upon for service within any town in any industrial dispute unless actual violence has occurred therein, and then only upon order of the governor. When any police employee shall apprehend any person who has committed or attempted to commit a felony the director shall immediately make a report to the attorney and the sheriff of the county in which the offense was, or was suspected of being, committed and such cases shall be investigated and prosecuted by said county officials with the cooperation of said police employees.

5 Duty of State Fire Marshal. Amend RSA 153:4-a by inserting after paragraph II the following new paragraph:

III. It shall be his duty and responsibility to coordinate state services during an accident involving the transportation of hazardous materials upon request of the fire officer in charge. Hazardous materials includes those substances as defined in RSA 106-A:17.

6 Fire Officer-in-Charge Duties. Amend RSA 154:7 as amended by striking out said section and inserting in place thereof the following:

154:7 Authority of Fire Officer in Charge.

I. Terms used in this section shall be construed as follows, unless a different meaning is clearly apparent from the language or context, or is otherwise inconsistent with the manifest intention of the legislature.

(a) "Fire" shall include any and all effects of combustion.

(b) "Service call" shall include any request for the services of the fire department which involves a non-emergency fire related situation.

(c) "Other emergency" shall include any other real emergency which does not directly involve the extinguishment of an actual fire; except that with respect to a transportation accident on or immediately adjacent to a way as defined in RSA 259:1, XXXV the term is limited to:

(i) An accident involving the transportation of any hazardous material as defined in title 49 of the Code of Federal Regulations.

(ii) An accident involving the spillage of fuel.

(iii) An accident involving injury to persons in places where the fire department is responsible for the provision of emergency medical services.

(d) "Fire officer in charge" shall include the fire chief or any other elected or appointed fire officer or any member serving in the capacity of fire officer in charge.

(e) "Police officer" shall include any constable or other officer authorized to make arrests or serve process who is invested by law with authority to direct, control or regulate traffic.

II. While any duly constituted fire department recognized by the state fire marshal is responding to or operating at a fire, service call or other emergency, the fire officer in charge shall have the following authority:

(a) To control and direct the activities at such scene.

(b) To order any persons to leave any building or place in the vicinity of such scene for the purpose of protecting such persons from injury or remove persons interfering with duties.

(c) To blockade any public highway, street or private right-of-way temporarily while at such scene.

(d) To trespass at any time of the day or night without liability while at such scene.

(e) To enter any building, including private dwellings, or upon any premises where a fire is in progress, or where there is reasonable cause to believe a fire is in progress, for the purpose of extinguishing the fire.

(f) To enter any building, including private dwellings, or premises near the scene of the fire for the purpose of protecting the building or premises or for the purpose of extinguishing the fire which is in progress in another building or premises.

(g) To direct without liability the removal or destruction of any fence, house, buildings, vehicle or other thing which he

may judge necessary to prevent the further spread of the fire.

(h) To request and be supplied materials such as sand, treatments, chemicals and special equipment when it is deemed a necessity, to prevent the further spread of the fire.

(i) To order disengagement or disencumbrance of any convoy, caravan or train of vehicles, craft or railway cars if deemed a necessity in the interest of safety of persons or property.

(j) To direct industrial management or other personnel and equipment within his jurisdiction whenever his company or department is called to respond to such; if in his opinion such action is in the interest of public safety.

(k) To immediately notify the state fire marshal of any accident involving the transportation of any hazardous material and to request the state fire marshal's coordination of state services as the fire officer in charge deems necessary in the interest of public safety.

III. In all situations including fires, service calls or other emergencies which involve a transportation accident on or immediately adjacent to a way, the authority of the fire officer in charge shall be limited to the direction of all engines and other apparatus, and the government and direction of those employed by, or in the case of duly recognized volunteer fire departments, those who serve upon the fire department. The authority of the fire officer in charge shall not be construed so as to restrict the authority of police officers while performing the tasks of directing, controlling or regulating traffic; the gathering of investigative information, and the preservation and collection of evidence which is a part of a police officer's normal course of duty.

7 Penalty. Amend RSA 263 by inserting after section 77 the following new subdivision:

Transportation of Hazardous Materials

263:77-a Definition. Hazardous materials are those substances or materials as defined by RSA 106-A:17.

263:77-b Provisions. Notwithstanding RSA 263:76 relative to the transportation of explosives, any person operating any motor vehicle transporting any hazardous materials upon a public highway shall at all times comply with regulations adopted by the commissioner of safety pursuant to RSA 106-A:18.

263:77-c Penalty. The operator, owner and custodian of any motor vehicle which is operated in violation of the provisions of this subdivision shall be guilty of a misdemeanor.

8 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 790, to permit the state to purchase a certain parcel of land in Bedford. Inexpedient to Legislate.

The State has tried to deal with the owners of the property involved through the years and has not been successful. The State cannot afford to purchase this and be in the real estate business. The land owned by the State is very valuable, worth several hundred thousand dollars and we should remain at a status quo. Vote was 13-2. Rep. Joseph M. Silva for Public Works.

Resolution adopted.

HB 782, relative to the prize limit for beano games. Inexpedient to Legislate. No demonstrated need for this bill. There was only one church in Manchester in favor of the bill, but there were other churches in Manchester as well as Nashua opposed to the bill. Also, other charitable organizations and senior citizens groups were opposed. Vote was 11-1. Rep. Gabrielle V. Gagnon for Regulated Revenues.

Resolution adopted.

HB 702, relative to the maintenance of the water level of Webster Lake. Inexpedient to Legislate.

HB 702 attempts to control the level on one specific body of water by legislation. The Committee feels this authority is properly vested with the Water Resources Board by RSA Chapter 482. Vote was 11-0. Rep. Nancy R. Gagnon for Resources, Recreation and Development.

Resolution adopted.

HB 759, establishing a state wild, scenic recreational rivers system. Majority: Ought to Pass. Minority: Refer to Committee on Resources, Recreation and Development for Interim Study.

Rep. Schreiber moved that HB 759 be made a special order for Thursday, April 26 and spoke to her motion.

Reps. Guay and Heald spoke in favor of the motion. Adopted.

HR 14, relative to the membership of the house rules committee. Inexpedient to Legislate.

Rep. McManus moved that HR 14 be made a Special Order for Tuesday, May 1 and spoke to his motion. Adopted.

HB 713, requiring the office of institutional collections to furnish a chargeable person or estate with an annual report of charges. Ought to Pass with Amendment.

Amendment allows upon request State to furnish annual report of charges. Vote was 11-0. Rep. Gloria M. Randlett for State Institutions.

Amendment

Amend the title of the bill by striking

out same and inserting in place thereof the following:

AN ACT

requiring the office of institutional collections to furnish a chargeable person or estate with a report of charges if requested.

Amend RSA 126-A:52, III, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. The office of institutional collections shall, upon request, furnish to each estate from which or to each person chargeable from whom a recovery of expenses is sought pursuant to RSA 126-A:51 a record of the accumulated charges against said estate or said person.

Amendment adopted.

Ordered to third reading.

HB 843, prohibiting the detention of minors in a house of correction or jail. Inexpedient to Legislate.

Committee felt that legislation is not necessary. In 1977 the law was passed (RSA 169:14). Vote was 7-4. Rep. Gloria M. Randlett for State Institutions.

Resolution adopted.

HB 850, establishing training, certification, utilization and supervision of professional guardians. Inexpedient to Legislate.

The subject of HB 850 is covered by HB 462 and HR 714, therefore this bill is unnecessary. Vote was 17-0. Rep. Gloria M. Randlett for State Institutions.

Rep. Hanson moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Randlett, Corey, William Riley and Aris spoke against the motion.

Rep. Milton Cate spoke against the motion and yielded to questions.

Rep. Ward spoke in favor of the motion and yielded to questions.

Reps. Garv Dionne and McManus spoke in favor of the motion.

Rep. LaMott moved the previous question. Sufficiently seconded. Adopted.

Rep. Hanson requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 205 NAYS 107

YEAS 205

BELKNAP: Beard, Birch, Bordeaux, Bowler, Garv Dionne, French, Hanson, Mansfield, Morin, Randall and Sabbow.

CARROLL: Roderick Allen, Chase and Desjardins.

CHESHIRE: Crane, Jesse Davis, Eisengrein, Ernst, Galloway, Kohl, Miller, Moore, Proctor, Margaret Ramsav, Russell, Scranton, Vrakatisis and Jean White.

COOS: Bouchard, Brungot, Bradley Haynes, Mayhew, Oleson and York.

GRAFTON: Chambers, Copenhaver, Crory, Dearborn, Michael King, LaMott, Lowmes, Mann, McIver, Rounds, Taffe, Walter and Ward.

HILLSBOROUGH: Baker, Wilfrid Boisvert, Bosse, Boyer, Brack, Carswell, Yvette Chagnon, Corser, Craig, Catherine-Ann Day, Donovan, Raymond Dupont, Joseph Eaton, Nancy Gagnon, Girolimon, Guidi, Hall, Head, Hendrick, Thomas Hynes, Jamrog, Lvoas, Marcoux, McCarthv, McDonough, McLaughlin, Milton Meyers, Morgan, Mulligan, Fred Murray, Nardi, Naro, Odell, Pappas, Peter Parady, Pastor, Perkins, Peters, Polak, Record, Reidy, Edward Smith, Leonard Smith, Soucy, Stahl, Francis Sullivan, Rock Tremblay, Van Loan, Wallin, Kenneth Wheeler, Robert Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Allgeyer, Bellerose, Blakeney, Bodi, Carroll, Daniell, Epstein, Holliday, Kidder, LaBranche, Nichols, O'Neill, Paire, Plourde, Stockman, Stokes, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Blanchette, William Boucher, Butler, Cahill, Marilyn Campbell, Collins, Connors, Roy Davis, Robert Day, Ellyson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Griffin, Hartford, Hoar, Jackson, Jones, Kane, Keenan, Krasker, Landrv, Laycock, Leslie, LoFranco, Lovejoy, Joseph MacDonald, Norman Mvers, Newell, Pantelakos, Parolise, Parr, Peterson, Pevear, Pucci, Ouimby, Reese, Skinner, Freda Smith, Sticknev, Stimmell, Sytek, Tavitian, Vartanian, Vlack, Wojnowski and Wolfsen.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Donnelly, Farnham, Gosselin, Hebert, Dianne Herchek, James Herchek, Joos, Lessard, McManus, Morrisette, Nadeau, Pine, Dennis Ramsey, Robinson, Sackett, Donald Smith, Tripp, Valley and Vaughan.

SULLIVAN: David Campbell, Cutting, LeBrun, Lucas, Palmer, Spanos, Spaulding, Townsend and Williamson.

NAYS 107

BELKNAP: None.

CARROLL: Dickinson, Heath, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Johnson, Ladd, O'Connor and William Rilev.

COOS: Elmer Beaulac, Burns, Chappell, Horton, Richardson, Theriault, Alcide Valliere and Wiswell.

CRAFTON: Aldrich, Ira Allen, George Cate, Christv, Foster, Logan, Low, McAvoy, Pepitone, Seely, Snell, Thomson and Andrew Ware.

HILLSBOROUGH: Archambault, Arris, Compagna, Corey, Joseph Cote, Dolbec, Gabrielle

Gagnon, Gelinas, Granger, Hardy, Heald, Healy, Howard Humphrey, Karnis, Keefe, Labomharde, Martineau, Mazur, Morrison, Aime Paradis, Plomaritis, Podles, David Ramsav, Peter Ramsey, Paul Riley, Roy, Sallada, Silva, Stylianos, Thibeault, Vachon, Eliot Ware, Weaver, Welch and Emma Wheeler.

MERRIMACK: Bibbo, John Cate, Milton Cate, Clements, James Humphrey, Locke, Mitchell, Packard, Randlett, Doris Riley, William Roberts, Shepard, Gerald Smith, Stio and Waters.

ROCKINGHAM: Blake, Patricia Cote, Kashulines, Roger King, Kozacka, McEachern, Nelson, Newman, Rogers, Schmitchen, Warburton, Helen Wilson and Woodman.

STRAFFORD: Cannev, Cauvin, Pray, Preston, Schreiber, Whitehead and Winkley.

SULLIVAN: Brodeur, D'Amante, Domini, Sim Gray and Wiggins, and the motion was adopted. Ordered to third reading.

HR 575, revising the election laws. Ought to Pass with Amendment.

House Bill 575 is a codification of the State Election Laws as voted for in the 1977 Session. It clarifies ambiguities and conflicts in the present laws and conforms with the State Criminal Code. Unanimous vote of Committee. Rep. Natalie S. Flanagan for Statutory Revision.

Analysis of Committee Amendment

Amendment No. 1 changes the title of HB 575 to "an act codifying the election laws" rather than "an act revising the election laws." Amendment No. 2 corrects an error regarding the election of county commissioners in Cheshire County. The amendment simply codifies current procedure. Amendment No. 3 inserts more appropriate wording for our system of selecting delegates to national party conventions. Amendment No. 4 corrects a spelling mistake in the word "laid." Amendment No. 5 inserts a cross reference to RSA 654:12, to clarify the section further.

Amendment No. 6 changes the subdivision title from "Absentee Registration" to "Absentee Voter Registration." Amendment No. 7 corrects a cross reference and deletes a redundant sentence. Amendment No. 8 eliminates the requirement that a candidate state that he is a registered member of the party of which he seeks the nomination only on his Affidavit of Qualifications. A candidate for the primary must still declare that he is a member of the political party for which he seeks nomination when he files for the primary. This amendment will allow the Affidavit of Qualifications to serve candidates filing Nomination Papers as well as candidates filing for the primary. Amendment No. 9 conforms the Affidavit of Qualification for Governor with the other affidavits in accordance with Amendment No. 8. Amendment No. 10 inserts the word "valid" between the words "no" and "nomination" to distinguish a genuine nomination from a frivolous nomination.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

codifying the election laws.

Amend RSA 653:1, VI (d), as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(d) Cheshire County - one county commissioner by the voters in each county commissioner district; provided that, at the 1980 state general election, no commissioner from district 1 shall be elected, the commissioner from district 2 shall be elected to a 4-year term and the commissioner from district 3 shall be elected to a 2-year term. At each subsequent state general election, 2 commissioners shall be chosen in the county by the inhabitants of the districts in which a commissioner's term is expiring; and, of the commissioners so chosen, one shall serve a 4-year term and one shall serve a 2-year term and both shall hold their offices until their successors are chosen and qualified. Following the 1980 state general election, the 4-year term shall be rotated in sequence starting with district 3.

Amend RSA 653:5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

653:5 Delegates to National Party Conventions. At every presidential primary election, the voters of the state shall vote their preference for party candidates for president and thereby choose the delegates to each presidential nominating convention to which the state is entitled.

Amend RSA 653:6 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

653:6 Delegates to State Party Conventions. At every state primary election, the voters in each state representative district shall elect delegates to each state party convention in accordance with the districts laid out in RSA 662:6.

Amend RSA 654:8, I, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. The supervisors of the checklist shall determine the qualifications of voters as provided in RSA 654:12.

Amend the subdivision title following RSA 654:15 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

Absentee Voter Registration

Amend RSA 655:14, II, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The appropriate number of primary petitions as provided in RSA 655:20 and 655:22 and an assent to candidacy as provided in RSA 655:25.

Amend RSA 655:28 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

655:28 Affidavit of Qualifications. A candidate for nomination for the office of governor, councilor, state senator or state representative shall swear an affidavit covering his qualifications as to age, that the candidate is a registered voter and that his domicile is in the district he desires to represent. The secretary of state shall not print upon the primary ballot of any party the name of any person unless there is filed with him such an affidavit at the time his candidacy is filed.

Amend RSA 655:29, I, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. (For use by candidate for governor) I, , candidate for the office of governor, hereby swear or affirm that I have been an inhabitant of the state of New Hampshire for at least 7 years immediately preceding the election for which I am a candidate and that I am a registered voter and that I will be at least 30 years of age on the day of said election.

Amend RSA 655:37 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

655:37 No Nomination by Primary. If, after the holding of a state primary election, no valid nomination shall have been made for any office on a party ticket, such vacancy may be filled as provided in this section. The appropriate party committee shall notify the secretary of state in writing of a person they designate to fill the vacancy. The person so designated shall no later than 10 days following the primary election file with the secretary of state a declaration of candidacy as provided in RSA 655:17 with the understanding that where the form says primary election, it shall be construed to mean general election. If the candidate is designated for the office of governor, councilor, state senator or state representative, he shall also file, before the expiration of 10 days following the primary, the appropriate affidavit as provided in RSA 655:29. Any candidate who has not filed all the forms required by this section within the required period of time shall not have his name printed on the state general election ballot for that office.

Amendment adopted.

Rep. Flanagan spoke to the committee report.

Ordered to third reading.

HB 696, imposing certain limitations on oil suppliers doing business in the state. Refer to Committee on Commerce and Consumer Affairs for Interim Study.

The Committee recommends a further study on this bill. It was a unanimous vote of 17-0 to send it to Interim Study. Unanimous vote on placing on Consent Calendar. Rep. James L. Logan for Commerce and Consumer Affairs.

Rep. Head spoke to the committee report. Referred to the Committee on Commerce and Consumer Affairs for Interim Study.

HB 795, enabling municipalities to implement the constitutional provision relative to single member districts for the state house of representatives. Refer to Committee on Municipal and County Government for Interim Study.

HB 795 needs a little work to bring it in line with the new amendment to the Constitution. The Committee favors studying this further and reporting it out in a timely manner. Vote was 15-0. Rep. Beverly A. Gage for Municipal and County Government.

Rep. Beverly Gage yielded to questions.

Rep. Morrison moved that the words, Ought to Pass, be substituted for the committee report, Refer to the Committee on Municipal and County Government for Interim Study, and spoke to her motion.

Reps. Beverly Gage, Mann and M. Arnold Wight spoke against the motion.

Rep. Hall spoke in favor of the motion. Motion lost.

Referred to the Committee on Municipal and County Government for Interim Study.

HC 3, requiring action from both houses of the general court on joint rules on or before March 1, 1979. Inexpedient to Legislate.

The Committee tabled this legislation until an agreement was reached by the Committee of Conference on Joint Rules. The date calls for no later than March 1st and the Committee felt, therefore, it is not needed at this time. The Committee vote was 4-0. Rep. Marshall French for Rules.

Rep. French yielded to questions. Committee report adopted.

The Speaker called for the Special Order.

HB 240, relative to the licensing laws for hospitals and other facilities. Ought to Pass with Amendment.

Rep. Copenhaver offered an amendment:

Amendment

Amend RSA 151:2 as inserted by section 2 of the bill be striking out same and inserting in place thereof the following:

151:2 Requirement for License. No hospital and other facility, building, residence, private home, or other place or part thereof, however named, whether operated for profit or not, which is advertised, offered, maintained or operated by the ownership or management, whether for a consideration or not, for the express or implied purpose of providing diagnosis or treatment, or medical, nursing, obstetrical or other remedial or personal care or supervision or sheltered services for persons who are suffering from illness, injury, deformity, infirmity or other physical or mental handicap shall be established, conducted or maintained in this state without first obtaining a license therefor in the manner hereinafter provided. This requirement includes diagnostic or treatment facilities such as

community health centers, outpatient clinics and laboratories operated by public, voluntary, commercial or professional associations or organizations, and also includes any facility in which mentally disabled or developmentally disabled persons are housed, whether or not the facility is considered a health facility. However, nothing herein shall be construed as requiring the licensing of facilities which are maintained and operated for the continuing care of one person; of facilities maintained and operated for the sole benefit of persons related to the owner or manager by blood or marriage within the third degree of consanguinity; of physicians' offices and related facilities; of shared homes for adults which are certified by the director of the division of welfare; of offices and related facilities of other persons licensed in this state to practice a health care profession; or of facilities which may be exempted by rules lawfully promulgated hereunder.

Rep. Copenhaver spoke to her amendment.

Rep. Townsend spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

ENROLLED BILLS REPORT

HB 230, relative to exempting certain facilities from nursing home licensing requirements.

SB 39, relative to the filing dates of certain reports required to be filed with the bank commissioner.

HB 85, relative to borrowing in anticipation of funds in fish and game fund and fish and game projects supported by federal funds obtained under the Pitman-Robertson Act and making an appropriation therefor.

HB 206, relative to licensing fees for the registration of dogs owned by persons 65 years or older.

HB 219, relative to the hunting of game bird.

Sen. Lamontagne
For the Committee

Rep. Morrison requested a quorum count. The Speaker declared a quorum present.

SENATE MESSAGE CONCURRENCE

HB 155, requiring public utilities' rates to be based on a current level of services.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Thursday, April 26 at 9:30 a.m.

Adopted.

LATE SESSION
Third reading and final passage

HB 664, to require the posting of innkeepers' room rates.
HB 669, relative to auctions.
HB 689, relative to the insurance agents' grievance committee holding hearings on termination of agents' contracts.
HB 735, providing a penalty for noncompliance with requirements for posting of certain prescription drug prices.
HB 761, relative to courtesy deliveries by registered automobile dealers.
HB 781, relative to the public utilities commission and its authority to contract for electrical power.
HB 822, relative to investment by savings banks in mobile home and motor homes loans.
HB 797, relative to the operation of mobile home parks by owners and operators.
HB 833, relative to judicial review of zoning board and board of adjustment decisions.
HB 729, amending the charter of New England College.
HCR 13, relative to initiating a state-wide agricultural production and food policy.
HB 746, relative to removing the exemption of the personnel commission from the administrative procedures act.
HB 737, deleting the terms defective and delinquent from the duties of the division of welfare.
HB 788, relative to lead paint poisoning in dwellings.
HB 852, relative to the termination of parental rights.
HB 520, relative to property tax exemptions.
HB 522, relative to a recording fee for the current use assessment notice.
HB 617, relative to site plan review by planning boards.
HB 655, relative to preparation of tax lists and tax bills and the computation of property taxes.
HB 693, authorizing municipalities to establish central business service districts.
HB 773, authorizing the inter-county transfer of female prisoners and committal of persons who fail to pay fines to any house of correction or jail.
HB 789, relative to county budgetary procedures.
HB 799, relative to planning boards.
HB 807, relative to the bonding of county and municipal officers.
HB 865, relative to organization of county delegations.
HB 710, providing for mandatory distribution of instructions on safely installing solid fuel appliances and directing the fire marshal to adopt a model code for such installation which may be adopted by the cities and towns.
HB 785, establishing a special committee to study capital budget procedures.
HB 810, relative to the classification of highways and state construction and reconstruction of highways.
HB 736, relative to the liquor licenses and permits granted to convention centers.

HB 864, relative to planning bicycle trails when laying out and constructing new highways.

HB 868, relative to the extension and expansion of private water utility service.

HB 695, relative to the boat tax.

HB 699, relative to the conversion of certain class VI highways to footpaths or trails.

HB 838, permitting the director of motor vehicles to assist town and city clerks in collecting bad checks for motor vehicle permit fees.

HB 840, relative to railroad police.

HB 723, to revise the current use assessment tax.

HB 754, relative to open pit burning in towns less than 1,000 population.

HB 240, relative to the licensing laws for hospitals and other facilities.

HB 548, relative to cremation of dead bodies.

HB 762, relative to establishing human services coordinating councils.

HB 851, relative to the treatment of terminal cancer patients and persons suffering from severe glaucoma.

HB 250, relative to the department of probation.

HB 652, relative to the number of challenges of jurors in murder trials.

HB 630, establishing an approved absence program in houses of correction.

HB 742, relative to the investigation of fires where arson is suspected.

HB 818, relative to the transportation of hazardous material.

HB 713, requiring the office of institutional collections to furnish a chargeable person or estate with a report of charges if requested.

HB 850, establishing training, certification, utilization and supervision of professional guardians.

HB 575, codifying the election laws.

HB 536, relative to the right of employees to freely decide whether to support labor organizations.

RECONSIDERATION

Having voted with the prevailing side, Rep. Dickinson moved that the House reconsider its action whereby it passed HB 536, relative to the right of employees to freely decide whether to support labor organizations.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 127 NAYS 186
YEAS 127

BELKNAP: Beard, Bowler, Garv Dionne and Hanson.

CARROLL: None.

CHESHIRE: Proctor, Margaret Ramsav, William Riley and Russell.

COOS: Elmer Beaulac, Bouchard, Fortier, Guay, Bradley Haynes, George Lemire, Mayhew, Oleson, Theriault, Alcide Valliere and York.

GRAFTON: Chambers, Copenhagen, Crory, Michael King and Walter.

HILLSBOROUGH: Archambault, Baker, Wilfrid Boisvert, Boyer, Brack, Corser, Joseph Cote, Coutermarsh, Catherine-Ann Day, Donovan, Joseph Eaton, Gabrielle Gagnon, Gelinas, Guidi, Hendrick, Thomas Hynes, Jamrog, Lyons, Milton Meyers, Morrison, Mulligan, Nardi, Pappas, Pastor, Plomaritis, Peter Ramsey, Reidy, Roy, Soucy, Spirou, Stahl, Stylianos, Francis Sullivan, James Sullivan, Thiheault, Rock Tremblay, Vachon, Welch, Robert Wheeler and James J. White.

MERRIMACK: Carroll, Milton Cate, Daniell, Epstein, Holliday, Gerald Smith, Stokes, Trachv, Underwood and Ernest Valliere.

ROCKINGHAM: Aeschliman, Collins, Connors, Roy Davis, Dunfev, Joseph Flynn, Beverly Gage, Gibbons, Greene, Hartford, Kashulines, Keenan, Krasker, Landry, Laycock, Leslie, LoFranco, Joseph MacDonald, McEachern, Newman, Pantelakos, Parolise, Parr, Peterson, Pucci, Quimby, Skinner, Freda Smith, Warburton and Wojnowski.

STRAFFORD: Ronald Chagnon, Donnelly, Gosselin, Hebert, Dianne Herchek, James Herchek, Lessard, Morrisette, Nadeau, Pine, Dennis Ramsey, Robinson, Sackett, Valley, Vaughan, Whitehead and Winklev.

SULLIVAN: Brodeur, David Campbell, D'Amante, LeBrun, Lucas, and Spanos.

NAYS 186

BELKNAP: Birch, Bordeaux, French, Mansfield, Morin, Randall and Sabhow.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson, Heath, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Callahan, Crane, Jesse Davis, Daniel Eaton, Eisengrein, Ernst, Galloway, Johnson, Kohl, Ladd, Miller, Moore, O'Connor, Scranton, Vrakatitsis and Jean White.

COOS: Brungot, Burns, Chappell, Horton, Richardson and Wiswell.

GRAFTON: Aldrich, Ira Allen, George Cate, Christy, Dearborn, Foster, LaMott, Logan, Low, Lowmes, Mann, McAvoy, McIver, Pepitone, Rounds, Seely, Snell, Taffe, Thomson, Ward and Andrew Ware.

HILLSBOROUGH: Arris, Bosse, Carswell, Yvette Chagnon, Compagna, Corey, Craig, Dolbec, Raymond Dupont, Clyde Eaton, Nancy Gagnon, Girolimon, Granger, Hall, Hardy, Head, Heald, Howard Humphrey, Karnis, Keefe, Labombarde, Lefebvre, Marcoux, Martineau, Mazur, McCarthy, McLaughlin, Morgan, Murray, Naro, Odell, Aime Paradis, Peter Parady, Perkins, Peters, Podles, Polak, David Ramsay, Record, Paul Riley, Sallada, Silva, Edward Smith, Leonard Smith, Van Loan, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Allgever, Ayles, Bellerose, Bibbo, John Cate, Clements, James Humphrey, Kidder, LaBranche, Locke, Mitchell, Nichols, Packard, Paire, Randlett, Doris Riley, William Roberts, Shepard, Stio, Stockman, Waters and Wiviott.

ROCKINGHAM: Appel, Benton, Blake, William Boucher, Butler, Cahill, Marilyn Campbell, Patricia Cote, Robert Dav, Ellyson, Felch, Flanagan, Carl Gage, Gould, Griffin, Hoar, Jackson, Jones, Kane, Roger King, Kozacka, Lovejoy, Norman Myers, Nelson, Newell, Pevear, Reese, Rogers, Schmidtchen, Stickney, Stimmell, Sytek, Tavitian, Vartanian, Vlack, Helen Wilson, Wolfesen and Woodman.

STRAFFORD: Canney, Farnham, Gauvin, Joos, McManus, Prav, Preston, Donald Smith and Tripp.

SULLIVAN: Cutting, Domini, Sim Gray, Palmer, Spaulding, Townsend, Wiggins and Williamson, and reconsideration lost.

Rep. French moved that the House adjourn.
Adopted.

HOUSE JOURNAL 29

Wednesday 25 Apr 79

The House met at 9:30 a.m.

Prayer was offered by the House Chaplain, Rev. William L. Quirk.

Let us pray:

Almighty Father, our prayer is a call to You to be with us and hear us this day.

As our protector and lover, we ask that we may avoid, with Your help, any sense of insecurity and realize that You are the constant source and provider of all that we have and are able to do.

Assist us in being generous with the time and talent You have given us and that these may be expressed in the concern and care we show to one another. May we be constantly aware of our responsibility to continually gesture our help toward those You have called us to serve. Amen.

Rep. Mann led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Cotton, Nemzoff-Berman, Fisher, John Winn, Close, Hunt, Emile Boisvert, Steiner, Downs and Drew, the day, illness.

Reps. Catherine-Ann Day, Joseph MacDonald, Rice, Sabbow, Allen Wilson, Tucker, Maglaras, Spanos, Drewniak, Meader, Lynch, Nims, Laurent Boucher, Vachon and Stahl, the day, important business.

Rep. Keller, the day, death in the family.

Reps. Drewniak, Belak and Cecelia Winn, the day, illness in the family.

INTRODUCTION OF GUESTS

Yolande Guay, wife of Rep. Guay; Rikki Wallin, daughter of Rep. Wallin; Former Representative Ashton Norton, guest of the House; Kimberly and Bruce Scamman, guests of Rep. Scamman; Robert Foster, Rae Davis, former Representative Dorothy Davis and Mr. and Mrs. Benjamin Avres of Moultonboro, guests of Rep. Kenneth Smith; Carl Benson and Arthur Nolin, guests of Rep. Gerald Smith; Boy Scout Troop 159 from Salem, Mrs. Pat McCarthy and Mrs. Eleanor Antoine, guests of the Salem Delegation; Former Representative Homer Bellette, guest of Rep. Crane.

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the Consent Calendar, with the relevant committee amendments, be adopted as printed in today's House Record.

HB 820 was removed at the request of Rep. Wilfrid Boisvert.

HB 580 was removed at the request of Rep. Newman.

HB 619 was removed at the request of Rep. Brack.

HBs 809 and 853 were removed at the request of Rep. Hildreth.

HBs 492 and 751 were removed at the request of Rep. Wiggins.

HBs 768, 803, 827, 767, 828 and 837 were removed at the request of Rep. Rod Allen.

HB 860 was removed at the request of Rep. Elmer Johnson.

Adopted.

HB 533, eliminating the reduction in teachers' retirement benefits due to receipt of Social Security benefits. Refer to Committee on Executive Departments and Administration for Interim Study.

This bill has a cost of \$11 - 12 million per biennium and has great financial ramifications for the State prospectively. The Committee felt this deserved further study. Vote was 13 - 0. Rep. Maura Carroll for Executive Departments and Administration.

HB 640, relative to establishment of a board of professional counselor licensure. Refer to Committee on Executive Departments and Administration for Interim Study. Rep. Sara M. Townsend for the Committee on Executive Departments and Administration.

HB 866, permitting certain school districts to pay teachers' contributions to the New Hampshire retirement system. Inexpedient to Legislate.

The subject matter is dealt with in the amended version of HB 854. Vote was 12 - 0. Rep. Maura Carroll for Executive Departments and Administration.

HB 682, relative to the appointment of a guardian ad litem in divorce proceedings. Ought to Pass with Amendment.

This bill provides that a guardian ad litem shall be appointed to represent the interests of children in contested divorce proceedings. The Committee felt that in such cases the children need and deserve a court appointed person to look after their interests. Vote was 13 - 0. Rep. Thomas J. Pappas for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Guardians Required. Amend RSA 458:17-a (supp) as inserted by 1969, 235:1 by striking out said section and inserting in place thereof the following:

458:17-a Guardian ad Litem.

I. In all proceedings for divorce, nullity, or legal separation, the court may appoint a guardian ad litem, to represent the interests of the children of the marriage, upon its own motion or motion of any party. If, at any time during the proceedings, whether before or after a final decree of divorce, custody or visitation of the children is disputed, a guardian ad litem shall be appointed.

II. Said guardian ad litem shall be a full party to the proceedings and shall have such rights as other parties, including but not limited to the right to fully participate in any hearing and compel the

attendance of witnesses. The guardian may also utilize the services of others to aid him in representing the child. The fees for services of others and for the guardian shall be a charge against the county wherein the divorce proceedings occur. Out of every fee paid to the clerk of the superior court for entry of libels and petitions in marital cases, \$2 shall be deposited in a special fund for payment for services under this section. Guardian ad litem compensation shall be based upon the applicable fee schedule established by the supreme court of New Hampshire for indigent defense counsel.

III. For good cause shown, the court may waive the requirements of paragraph I. Good cause shall not include the lack of ability to pay by either party or the county.

2 Fee Schedule. Amend RSA 499:18, II, (supp) as amended by striking out in line 8 the amount "\$14.00" and inserting in place thereof the following (\$16.00) and by striking out in line 12 the amount "\$14.00" and inserting in place thereof the following (\$16.00) so that said paragraph as amended shall read as follows:

II. Equity.

Bills of equity entry	14.00
For each additional party plaintiff	.50
Orders of notice, one defendant	5.00
Each additional copy	3.00
Bills in equity by publication entry	14.00
Citation for publication and return	5.00
Each additional copy	3.00
Libels and petitions in marital cases entry	16.00
Orders of notice for one defendant	3.00
Each additional copy	3.00
Libels and petitions in marital cases by publication entry	16.00
Citation, copies for service and certified mail	8.00
Each additional copy	3.00
Temporary orders or injunctions	3.00
Petitions for modification or contempt orders or notice	7.00
Petitions for special meetings and temporary appointments	
Entry	10.00
Certified copy	3.00
Workmen's compensation petitions	
Entry	12.00
Orders of notice on defendant, insurer, and commissioner	5.00
Petition for dissolution of corporation	
Entry	20.00
Citation and copy to secretary of state	10.00
Notice of liens on bonds	
Entry	14.00
Copies by mail to insured and insurer	8.00
Bills in equity vs. state, counties, cities and towns	
Entry	14.00

Orders of notice for service	7.00
Divorce, legal separation and nullity	
Certificates	3.00
Stipulations, each page	.50

3 Special Fund Established. Each clerk of superior court shall establish a separate fund in which to deposit \$2 of the fee paid to the clerk in each libel and petition in marital cases, pursuant to RSA 458:17-a, II, for the compensation of the guardians ad litem appointed pursuant to RSA 458:17-a.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 688, relative to guardian ad litem in divorce. Inexpedient to Legislate. Committee will deal with this issue in HB 682 which is almost identical and is being amended. Vote was 16 - 0. Rep. Wilson S. Mansfield for Judiciary.

HB 704, making retired judges of probate referees. Ought to Pass.

This bill allows retired probate judges to sit when needed in the various probate courts. Vote was 14 - 2. Rep. Daniel W. Jones for Judiciary.

HB 714, relative to guardianship procedures. Ought to Pass with Amendment. This bill creates a new chapter governing the appointment of guardians and conservators in cases of incapacity. Numerous individuals testified that our present statutes are inadequate. The Committee believes that the need has been demonstrated adequately and feels this bill, which has been worked on for more than two years, addresses the problems. Vote was 14 - 1. Rep. Thomas J. Pappas for Judiciary.

HB 720, relative to responsibility for acts of vandalism by minors. Ought to Pass with Amendment.

The Committee felt that some type of action must be taken in regards to the ever-increasing vandalism problem. This bill provides that any child who is found to have committed vandalism must contribute to the restitution to the victim by payment in money, or by property repairs, or by service to injured party, by service to the community. Amended to be in compliance with the recent New Hampshire Supreme Court decision which does not allow for parents to be held vicariously liable. This is not an attempt to legislate morality, but rather an attempt to make young people responsible for their actions. Vote was 14 - 0. Rep. James Kaklamanos for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Vandalism; Responsibility. Amend RSA 169 by inserting after section 36 the following new section:

169:36-a Responsibility for Vandalism by Minors.

I. For purposes of this section, "vandalism" means the wilful or malicious destruction, injury, disfigurement or defacement of any public or private property, real or personal, without the consent of the owner or person having custody of said property.

II. The court shall order, when appropriate, any child who is found to have committed vandalism to submit restitution to the victim or victims of such vandalism by payment in money, or by property repairs, or by service to injured party, or by service to the community.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 738, relative to protective services to adults. Ought to Pass with Amendment.

This bill gives immunity from liability to anyone who, in good faith, makes a report of abuse or neglect of an adult. Additionally, it spells out conditions under which authorities may enter the home of the person allegedly neglected or abused and authorizes the court to order medical or psychiatric examination of the proposed ward under certain conditions. Vote was 13 - 0. Rep. Donna P. Sytek for Judiciary.

Amendment

Amend section 2 of the bill by striking out said section and inserting in place thereof the following:

2 Protective Services to Adults. Amend RSA 161-D by inserting after section 5 the following new sections:

161-D:5-a Entry of Premises. If an adult reported or suspected of being abused, exploited, neglected or living in hazardous conditions refuses, or a caretaker refuses, to allow the representative of the division of welfare, department of health and welfare, entrance to the premises for the purpose of investigating an alleged complaint of neglect, abuse, exploitation or a hazardous living condition, the probate court, in the county where the adult is found, upon a finding of probable cause, may order a police officer, probation officer or social worker to enter said premises in furtherance of such investigation.

161-D:5-b Court Ordered Examination. The probate court, at any time, may order a proposed ward to submit to a medical or psychiatric examination to be completed within 30 days by a certified psychologist, licensed psychiatrist or physician, or local community mental health center. A written report of such examination shall be forwarded to the court and shall contain, but not be limited to, the proposed ward's disease or disability, if any, his present mental status, and the prognosis. If the proposed ward objects to the evaluation, the probate court having jurisdiction shall be notified in writing within 5 days after notification of the time and place of such evaluation, and the court shall hold a hearing to consider the objection prior to ordering such evaluation or, upon good cause shown, may excuse the proposed ward from the provisions of this section.

HB 741, relative to giving notice of a garage lien on personal property prior to sale. Ought to Pass.

This bill requires that a recorded lien holder receive notice of a pending sale under RSA 444. It authorizes the lien holder to pay off the statutory lien. It does not reduce the parties' rights in any way. Vote was 16 - 0. Rep. Daniel W. Jones for Judiciary.

HB 743, adopting the "Uniform Child Custody Act" and establishing the crime of unlawful custody. Ought to Pass.

The Committee believes this bill is needed to eliminate jurisdictional competition and conflict in matters of child custody with courts of other states. This act has been adopted in many other states and is now needed in New Hampshire. The bill is very comprehensive and deals with many problems now present. Vote of Committee was unanimous (19 - 0). Rep. Thomas J. Pappas for Judiciary.

HB 778, relative to the employment of an attorney to handle closing transactions on real property purchases. Refer to the Committee on Judiciary for Interim Study.

The Committee felt that this bill addresses a real problem in concept, but as written is not acceptable. Different groups are presently working on the proposals and the Committee would like to study the bill along with them. Vote of Committee was unanimous (19 - 0). Rep. Thomas J. Pappas for Judiciary.

HB 794, providing certain temporary protection for persons suffering abuse. Inexpedient to Legislate.

Sponsor withdrew bill in favor of more comprehensive proposal (HB 809) on same subject matter. Committee vote was 13 - 0. Rep. Delight H. Reese for Judiciary.

HB 819, to revise the corporate statutes. Refer to the Committee on Judiciary for Interim Study.

This 146-page bill, proposing to revise the corporate statutes, was received by Committee on April 18 without proper time for due consideration. A sponsor recommended Interim Study and the Committee so voted 16 - 0. Rep. Delight H. Reese for Judiciary.

HB 862, providing for the restitution of victims of crimes through use of forfeited bail money. Refer to the Committee on Judiciary for Interim Study.

The intent of HB 862 is admirable, but raises many questions relating to insurance, eligibility, federal match money, and impact on state and/or municipal revenue. The Committee is sympathetic to the need, but would like study time to delve into these questions. Vote was 13 - 4. Rep. Daniel A. Eaton for Judiciary.

HB 869, establishing the crime of retail theft. Ought to Pass with Amendment. Attention thieves - shoplifting is LARCENY - that is the message in this

bill which conforms shoplifting penalties with the theft provisions of the Criminal Code. Unanimous vote. Rep. Leigh D. Bosse for Judiciary.

Amendment

Amend RSA 637-A:4, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. Any merchant who has probable cause to believe that a person has committed or is attempting to commit the offense of retail theft may demand proper identification from such person.

Amend RSA 637-A:5 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

637-A:5 Penalties.

I. Retail theft is:

(a) A misdemeanor if the value of the stolen merchandise does not exceed \$500;

(b) A class B felony if:

(1) The value of the stolen merchandise is greater than \$500; or

(2) The offense is the offender's third conviction for retail theft.

II. In addition to any other penalties provided by law, any person convicted of a violation of this chapter shall be required to pay to the merchant against whom the offense was committed an amount equal to the full retail value of the merchandise stolen, unless said merchandise has been recovered and is in the same condition it was just prior to the time it was stolen.

Amend RSA 637-A as inserted by section 2 of the bill by striking out section 3 and renumbering the original sections 4 and 5 to read as 3 and 4 respectively.

HB 870, relative to the prohibition of juice bars and bottle clubs. Ought to Pass with Amendment.

HB 870 as amended alleviates the problems presented by the sponsors while allowing legitimate clubs such as veterans organizations, public dances, etc. to still operate. Juice bars so-called would be required to close at a time concurrent with the present Liquor Commission regulations relating to lounges. Vote was 16 - 2. Rep. Daniel A. Eaton for Judiciary.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Limitation on Hours. Amend RSA 175 by inserting after section 3-a the following new section:

175:3-b Limitation on Bottle Club Hours. No bottle club shall be operated or maintained after the hours fixed for the sale of beverages by permittees under regulations promulgated pursuant to RSA 181:6. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

HB 873, relative to judgments for attorney's fees and judgments rendered against the state pursuant to RSA 99-D. Inexpedient to Legislate.

Committee felt a court ordered award could be handled by the new Claims Board and feels the Attorney General should request legislation taking this approach. Committee vote was 11 - 3. Rep. Minnie F. Carswell for Judiciary.

HB 673, relative to the advisory council on unemployment compensation. Inexpedient to Legislate.

The Committee felt that this measure was "inexpedient to legislate." The bill as presented could deter the purpose of the Advisory Council to bring expertise from management and labor to serve on the Unemployment Advisory Council, to help in formulating policies and discussing problems relative to Chapter 282 of the RSA. Vote was 17 - 0. Rep. Patricia M. Skinner for Labor, Human Resources and Rehabilitation.

HB 756, relative to appeal tribunals of the department of employment security. Inexpedient to Legislate.

Committee vote 17 - 0. It was felt that this measure was not needed at this time with an active list of 42 persons representing management and labor who are drawn to serve on the Appeals Tribunal when called. Rep. Ernest J. Valliere for Labor, Human Resources and Rehabilitation.

HB 769, amending the public employee labor relations law. Ought to Pass with Amendment.

The measure makes technical changes in RSA 273-A and 273-B, the Public Employee Labor Relations Law. Legislative input will take place in the creation of a Joint Committee on Employment Relations composed of the President of the Senate, Speaker of the House of Representatives, Majority and Minority Leaders of the House and Senate, Senate Finance Chairman and House Appropriations Committee Chairman who will meet at an early date with the State Negotiating Committee in an advisory capacity and consider what is feasible in the negotiating process. It requires that commencement of bargaining with state employees begin not later than September 1st of each year. Vote was 11 - 0. Rep. Joanne C. Head for Labor, Human Resources and Rehabilitation.

Amendment

Amend RSA 273-A:6, II as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

II. Complaints shall be filed by affidavit. A copy of the complaint shall be given to the party complained against at the time the complaint is filed. The board shall hold a hearing within 45 days under rules adopted by the board pursuant to RSA 541-A and shall give 5 working days' notice of the hearing by certified mail to all persons required to appear and to the representative of a party against whom a complaint has been filed.

Amend RSA 273-A:6, VI as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

VI. The board shall render its decision within 45 days after the hearing, in accordance with rules adopted by the board pursuant to RSA 541-A. Upon finding that a party has violated RSA 273-A:5, the board may issue (a) a cease and desist order; (b) reinstatement of an employee with back pay; (c) periodic reporting of compliance; (d) orders of payment of the cost incurred by a party negotiating in good faith in negotiations found by the board to have been carried on not in good faith by the other party, if the board finds such penalty appropriate to the circumstances; or (e) such other relief as the board may deem necessary.

Amend RSA 273-A:10, VI (c) as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

(c) Any challenge to a certified exclusive bargaining representative, whether in a decertification election or a challenge by another labor organization, shall result in decertification or change in bargaining representation if decertification or the challenging organization is approved by a majority vote of members of the bargaining unit voting.

Amend the bill by striking out section 13 and inserting in place thereof the following:

13 Director of State Labor Relations; Duties. Amend RSA 273-B:2 (supp) as inserted by 1977, 482:1 by striking out said section and inserting in place thereof the following:

273-B:2 Duties. The director of state labor relations shall serve as executive officer to the state negotiating committee established by RSA 273-A:9 and shall carry out the following duties:

I. The compilation of data and the carrying out of all research needed to provide timely and accurate information appropriate to the negotiating process;

II. The conduct or management of negotiations with representatives of bargaining units;

III. Consultation with state negotiating committee;

IV. The maintenance of all official files, minutes and records of the state negotiating committee; and

V. Technical assistance, follow-up and implementation to all agencies and departments.

Amend RSA 273-B:4, IV as inserted by section 15 of the bill by striking out same and inserting in place thereof the following:

II. Prior to the commencement of and during bargaining with the state employees, the joint committee on employment relations shall meet with the state negotiating committee to discuss the state's objectives in said bargaining process.

Referred to Appropriations.

HB 836, allowing post secondary students to work for wage rates set by the labor commissioner. Ought to Pass with Amendment.

This bill allows post secondary vocational students to be included in practical experience work programs at a lessened wage rate. High school

students are already included in such programs. Vote was 13 - 0. Rep. Joanne C. Head for Labor, Human Resources and Rehabilitation.

Amendment

Amend RSA 279:22-aa as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

279:22-aa High School and Post Secondary Students. Upon application by a participating employer or proper school authority, the labor commissioner may establish a sub-minimum wage rate, or no rate, for high school or post secondary students working for practical experience, if circumstances warrant. Guidelines shall be established by the labor commissioner to determine whether an employer-employee relationship exists between participating parties for such work in respect to existing labor laws. No such student shall be allowed to replace an existing worker or a laid-off worker.

HB 2027, relative to persons who receive unemployment compensation benefits through fraud. Refer to the Committee on Labor, Human Resources and Rehabilitation for Interim Study.

Vote 14 - 0 to refer to Interim Study. This bill of intent will be studied by the Committee regarding the fraudulent payment of unemployment compensation benefits. Rep. Ernest J. Valliere for Labor, Human Resources and Rehabilitation.

HB 676, establishing a committee to study reapportionment of the legislature in preparation for 1981. Inexpedient to Legislate.

The Committee felt this bill has merit, but this Committee could not be established until after the 1980 census is taken and we know what the population figures are. Vote was 11 - 0. Rep. Marshall French for Legislative Administration.

HB 857, relative to the distribution of the Revised Statutes Annotated and the session laws. Ought to Pass.

This is a worthwhile bill because it would save approximately \$1000 in soft copies and as much as \$10,000 in hard bound copies. Vote was 11 - 0. Rep. Elaine T. Lyons for Legislative Administration.

HB 875, establishing the New Hampshire legislative academy of science and technology. Refer to the Committee on Legislative Administration for Interim Study.

Due to the many bills that are coming into the House that require scientific and technical expertise, the Committee felt that this bill has merit, but should go to interim study. Vote was 11 - 0. Rep. Elaine T. Lyons for Legislative Administration.

HR 16, relative to establishing special committees. Inexpedient to Legislate.

The Committee felt that passing this resolution would limit the House in responding to emergency situations. At the present time, the House can establish a special committee by passing a resolution, but during the interim, when the House was not in session, no special committee could be appointed for an emergency situation without calling a special session. Vote was 11 - 0. Rep. Paul I. LaMott for Legislative Administration.

HB 610, providing for the regulation of cable television facilities using utility poles. Inexpedient to Legislate.

Testimony received failed to demonstrate need for this bill. Vote was 10 - 2. Rep. M. Arnold Wight, Jr. for Science and Technology.

HB 867, relative to the installation of urea-formaldehyde based foam insulation. Refer to the Committee on Science and Technology for Interim Study.

The problems involved in this application can be solved better by developing practical methods to improve quality control. Mandating a four-year moratorium would deny homeowners the benefits of effective energy conservation and put insulating companies out of business. Committee should resolve this problem promptly by working with industry associations and consumer protection division of the Attorney General's Office. Vote was 12 - 0. Rep. M. Arnold Wight, Jr. for Science and Technology.

HBI 2002, relating to investigating the dangers of exposure to low-level radiation emissions. Refer to the Committee on Science and Technology for Interim Study.

The intent of this bill fits in perfectly with this Committee's primary goal of developing an energy policy for the State. Safety is an essential element of all such policies. Vote was 12 - 0. Rep. M. Arnold Wight, Jr. for Science and Technology.

HBI 2004, relating to establishing within state government an energy office to replace the governor's council on energy. Refer to the Committee on Science and Technology for Interim Study.

This bill is an essential element of the Committee's primary goal to establish a State policy on energy. Vote was 12 - 0. Rep. M. Arnold Wight, Jr. for Science and Technology.

HBI 2012, relating to the energy requirements to illuminate the highway system of the state. Refer to the Committee on Science and Technology for Interim Study.

The Committee appreciates receiving this bill since it fits well into its continuing study of energy conservation. Vote was 12 - 0. Rep. M. Arnold Wight for Science and Technology.

HBI 2021, relating to New Hampshire's participation in New England regional energy

associations. Refer to the Committee on Science and Technology for Interim Study.

This bill is an essential element of the Committee's goal to establish a State policy on energy. Vote was 12 - 0. Rep. M. Arnold Wight, Jr. for Science and Technology.

HB 651, establishing the northeast regional energy board. Refer to the Committee on State-Federal Relations for Interim Study.

The Committee believes this bill has merit, but would like to see a study done on the functions of other regional energy planning entities and how those functions would relate to the regional effort anticipated in the bill. Also the provisions of this bill are to take effect only when an adjacent state enacts identical legislation and the Committee believes that a survey of our sister states should be conducted to determine the likelihood of such enactments. The vote was unanimous. Rep. Marshall French for State-Federal Relations.

HB 804, relative to interstate cooperation concerning disposal of containers and solid waste. Ought to Pass.

The Committee felt that this was worthwhile legislation because it would start at least, some action on a regional basis within the New England states on solid waste disposal. The vote was unanimous. Rep. Marshall French for State-Federal Relations.

HCR 12, relative to the dredging and widening of the Piscataqua River. Ought to Pass.

Testimony given at the hearing emphasized safety, especially in relation to LP gas and highly volatile substances particularly because of the tidal currents and size limitations of the Piscataqua River Basin which makes this a serious safety factor of utmost importance. The vote was unanimous. Rep. Marshall French for State-Federal Relations.

HR 18, deploring the department of transportation's plan to discontinue the Montreale passenger train service. Ought to Pass with Amendment.

The Committee felt that due to the energy situation and the need for increasing the use of rail service, that this is the time to consider expansion rather than deletion of any passenger rail service. The vote was unanimous. Rep. Marshall French for State-Federal Relations.

Amendment

Amend the resolution by striking out the third paragraph after the resolving clause and inserting in place thereof the following:

That, we ask the members of the New Hampshire congressional delegation to sponsor, introduce and support legislation in either both houses of the Congress to overturn the attempt by Secretary Adams to

discontinue the Montrealer; and

That, we instruct the clerk of the House of Representatives to send copies of this resolution to President Carter, to Mr. Brock Adams, to the Speaker of the United States House of Representatives, to the President Pro Tempore of the United States Senate, and to each member of the New Hampshire congressional delegation.

Rep. French requested a quorum count.
The Speaker declared a quorum present.

COMMITTEE REPORTS (Regular Calendar)

HB 499, providing economic incentives for consumers to return used beverage containers and to encourage the recycling of same; establishing a "litter tax" and amending the litter control law in general. Refer to the Committee on Commerce and Consumer Affairs for Interim Study.

Much of HB 499 is similar to HR 576. The sponsor testified in public hearing that she could support HB 576. HB 499 establishes a litter tax with assessments for various types of business. This provision was not studied in depth by the Committee. For this reason, the Committee voted 15 - 1 to refer to study. Rep. J. Leo Appel, Jr. for Commerce and Consumer Affairs.

Referred to the Committee on Commerce and Consumer Affairs for Interim Study.

Rep. French moved that debate be limited to one hour equally divided, not including questions, on HB 576, and spoke to his motion.

Adopted.

HB 576, requiring refunds on soft drink and alcoholic malt beverage containers. Majority: Inexpedient to Legislate. Minority (Reps. Appel, Plomaritis, Pucci, Cahill, Crorv and Allgeyer): Ought to Pass.

MAJORITY: By a vote of 9 - 7 the majority of the Committee voted Inexpedient to Legislate. The majority found that this is an environmental and emotional bill that would not be in the best interest of the citizens of New Hampshire. Since it does not save on energy and only 20% on litter. Most of all, it will cost each and every citizen of New Hampshire millions of dollars over and above the amount of the deposit. Rep. William L. Roberts for the Majority of Commerce and Consumer Affairs.

MINORITY: The minority of the Committee felt that HB 576, the Bottle Bill, is a reasonable and workable way to solve the bottle and can litter problem in the state of New Hampshire. It is the opinion of the minority that the bill has been well researched, and based on the experience of other states which have container deposit legislation, the benefits to the state and its citizens would be considerable. The minority feels that there are certain economic incentives for the bottling companies and beverage distributors which would

make the enactment of this legislation beneficial for everyone. HB 576 is reasonable and progressive legislation. Reps. J. Leo Appel, Jr., Claire Plomaritis, Phyllis J. Pucci, William P. Cahill, Elizabeth L. Crorv and Edward J. Allgeyer for Minority of Commerce and Consumer Affairs.

Rep. Appel moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. William Roberts, McCarthy and Lawton spoke against the motion.

Reps. Emma Wheeler and Skinner spoke in favor of the motion.

Rep. Vrakatisis requested a quorum count.

The Speaker declared a quorum present.

Reps. Carl Gage, Chambers, Cahill and Blanchette spoke in favor of the motion.

Reps. Brack, Collins and Lyons spoke against the motion.

A quorum count was requested.

The Speaker declared a quorum present.

Rep. Coutermarsh spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 119 NAYS 205

YEAS 119

BELKNAP: Beard, Birch, Bordeau, Bowler, Hildreth, Mansfield and Sanders.

CARROLL: Roderick Allen.

CHESHIRE: Eisengrein, Ernst, Ladd, Matson, Miller, Proctor, Margaret Ramsav, William Rilev and Jean White.

COOS: Fortier, Bradley Haynes and Mayhew.

CRAFTON: George Cate, Chambers, Copenhaver, Crorv, Michael King, McIver, Seely and Taffe.

HILLSBOROUGH: Corser, Craig, Joseph Eaton, Nancy Gagnon, Hall, Head, Heald, Hendrick, McDonough, Morgan, Morrison, Mulligan, Murray, Pastor, Plomaritis, David Ramsay, Sallada, Leonard Smith Wallin, Emma Wheeler, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Blakeney, Carroll, Milton Cate, Colby, Daniell, Epstein, Holliday, McLane, Stokes, Trachy, Underwood, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Bisbee, Blanchette, Butler, Cahill, Marilyn Campbell, Dunfey, Ellyson, Carl Gage, Gibbons, Gould, Greene, Hartford, Jackson, Jones, Kane, Roger King, Kozacka, Krasker, Leslie, LoFranco, Lovejoy, Norman Myers, Nelson, Newell, Parr, Pevear, Pucci, Quimby, Reese, Rogers, Schmidtchen, Schwaner, Skinner, Stimmell, Tavitian, Tufts, Vlack, Warburton, Woinowski and Woodman.

STRAFFORD: Burchell, DeNafio, McManus, Nadeau, Pine, Preston, Robinson, Sackett, Schreiher, Donald Smith, Valley and Vaughan.

SULLIVAN: Townsend.

NAYS 205

BELKNAP: Gary Dionne, French, Hanson, Lawton, Matheson and Morin.

CARROLL: Chase, Desjardins, Dickinson, Heath, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Bavhutt, Crane, Jesse Davis, Daniel Eaton, Galloway, Johnson, Kohl, Moore, O'Connor, Russell, Scranton and Vrakatisits.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Chappell, Guay, Horton, George Lemire, Oleson, Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Christy, Foster, LaMott, Logan, Low, Lowmes, Mann, McAvoy, Pepitone, Rounds, Snell, Thomson, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Ainley, Archambault, Baker, Wilfrid Boisvert, Bosse, Boyer, Brack, Burkush, Carswell, Yvette Chagnon, Compagna, Corey, Joseph Cote, Coutermarsh, Crotty, L. Penny Dion, Beverly Dupont, Clyde Eaton, Gabrielle Gagnon, Gelinas, Granger, Hardy, Healy, Howard Humphrey, Thomas Hynes, Jamrog, Kaklamanos, Karnis, Keefe, Labombarde, Lamy, Lefebvre, Lyons, Mazur, McCarthy, McLaughlin, Milton Meyers, Nardi, Odell, Pappas, Peter Parady, Perkins, Peters, Podles, Polak, Peter Ramsey, Record, Reidy, Paul Riley, Roy, Silva, Edward Smith, Soucy, Spiro, Stylianos, James Sullivan, Thiheault, Rock Tremblay, Van Loan, Eliot Ware, Weaver, Welch, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Allgever, Ayles, Bellerose, Bibbo, Bodi, John Cate, Clements, Hill, James Humphrey, Kidder, LaBranche, Locke, Mitchell, Nichols, O'Neill, Packard, Paire, Randlett, Doris Riley, William Roberts, Selway, Shepard, Gerald Smith, Stio, Stockman and Ernest Valliere.

ROCKINGHAM: Blake, William Boucher, Carpenito, Collins, Patricia Cote, Robert Day, Felch, Flanagan, Joseph Flynn, Beverly Gage, Griffin, Kashulines, Keenan, Landry, Laycock, McEachern, Newman, Pantelakos, Parolise, Peterson, Scamman, Freda Smith, Splaine, Stickney, Sytek, Helen Wilson and Wolfson.

STRAFFORD: Canney, Ronald Chagnon, Demers, Farnham, Gauvin, Gosselin, Hebert, Dianne Herchek, James Herchek, Joos, Lessard, Morrisette, Pray, Dennis Ramsey, Tripp, Whitehead and Winkley.

SULLIVAN: Brodeur, Burrows, David Campbell, Cutting, D'Amante, Sim Gray, LeBrun, Lucas, Palmer, Spaulding and Wiggins, and the motion lost.

Rep. Lawton moved that HB 576 be indefinitely postponed.
Adopted.

Reps. Meader and Joseph MacDonald notified the Clerk that they wished to be recorded in favor of HB 576.

Rep. Drewniak notified the Clerk that he wished to be recorded against HB 576.

CACR 14, relating to the term of the governor. Providing that the governor shall be elected every four years. Ought to Pass. Rep. Morrison for Constitutional Revision.

Rep. Morrison moved adoption of the committee report, spoke to her motion and yielded to questions.

Reps. Wiggins, Joseph Cote and Coutermarsh spoke against the motion.

Reps. French and Flanagan spoke in favor of the motion.

The previous question was moved. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 192 NAYS 128

YEAS 192

BELKNAP: Beard, Birch, Bordeau, Bowler, Garv Dionne, French, Michael Hanson, Hildreth, Mansfield, Matheson, Morin and Sanders.

CARROLL: Chase, Desjardins, Dickinson and Heath.

CHESHIRE: Bavhutt, Jesse Davis, Daniel Eaton, Eisengrein, Ernst, Kohl, Ladd, Matson, Miller, Moore, Proctor, Margaret Ramsay, William Riley, Russell, Scranton and Vrakatisits.

COOS: Burns, Guay, Bradley Haynes, Mayhew, Oleson, Theriault, Alcide Valliere, Willey and York.

GRAFTON: Chambers, Copenhagen, Crory, Michael King, Lowmes, Mann, Rounds, Taffe and Ward.

HILLSBOROUGH: Archambault, Baker, Bosse, Boyer, Brack, Burkush, Carswell, Corser, Crotty, L. Penny Dion, Beverly Dupont, Joseph Eaton, Nancy Gagnon, Gelinas, Hall, Hardy, Head, Heald, Hendrick, Kaklamanos, Keefe, McCarthy, McDonough, Milton Meyers, Morgan, Morrison, Mulligan, Murray, Nardi, Pappas, Pastor, Peters, Plomaritis, Peter Ramsey, Record, Reidy, Roy, Edward Smith, Soucy, James Sullivan, Thiheault, Rock Tremblay, Van Loan, Wallin, Welch, Robert Wheeler, James J. White, M. Arnold Wight and Zajdel.

MERRIMACK: Ayles, Blakeney, Bodi, Carroll, John Cate, Clements, Daniell, Epstein, Holliday, LaBranche, McLane, Mitchell, Nichols, O'Neill, Doris Riley, William Roberts, Selway, Gerald Smith, Stio, Stokes, Trachy, Underwood, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Blake, Blanchette, William Boucher, Butler, Marilyn Campbell, Carpenito, Collins, Robert Day, Dunfev, Felch, Flanagan, Beverly Gage, Carl

Gage, Gibbons, Greene, Hartford, Jackson, Keenan, Kozacka, Krasker, Leslie, LoFranco, Norman Myers, Newell, Newman, Pantelakos, Parolise, Parr, Peterson, Pucci, Quimbv, Reese, Rogers, Freda Smith, Stickney, Sytek, Vlack, Wojnowski and Wolfsen.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Farnham, Hebert, Dianne Herchek, James Herchek, Joos, Lessard, McManus, Morrisette, Nadeau, Pine, Preston, Robinson, Sackett, Schreiber, Donald Smith, Valley, Vaughan and Whitehead.

SULLIVAN: Brodeur, Burrows, David Campbell, D'Amante, LeBrun, Spaulding and Townsend

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BELKNAP: Lawton.

CARROLL: Roderick Allen, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Crane, Galloway, Johnson, O'Connor and Jean White.

COOS: Elmer Beaulac, Bouchard, Brungot, Chappell, Fortier, Horton, George Lemire, Richardson and Wiswell.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Christy, Foster, LaMott, Logan, Low, McAvoy, McIver, Pepitone, Snell, Thomson, Walter and Andrew Ware.

HILLSBOROUGH: Ainley, Wilfrid Boisvert, Yvette Chagnon, Compagna, Corey, Joseph Cote, Coutermarsh, Craig, Clyde Eaton, Gabrielle Gagnon, Granger, Healy, Howard Humphrey, Thomas Hynes, Jamrog, Karnis, Labomharde, Lamy, Lefebvre, Lvons, Mazur, McLaughlin, Odell, Peter Parady, Perkins, Podles, Polak, David Ramsay, Paul Riley, Sallada, Silva, Stylianos, Eliot Ware, Weaver, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Allgeyer, Bellerose, Bibbo, Milton Cate, Colby, Hill, James Humphrey, Kidder, Locke, Packard, Paire, Randlett, Shepard, Stockman and Waters.

ROCKINGHAM: Benton, Bisbee, Cahill, Patricia Cote, Ellyson, Joseph Flvnn, Gould, Griffin, Jones, Kane, Kashulines, Roger King, Landry, Lovejoy, McEachern, Nelson, Pevear, Scamman, Schmidtden, Schwaner, Skinner, Splaine, Stimmell, Tavitian, Tufts, Warburton, Helen Wilson and Woodman.

STRAFFORD: Cannev, Demers, Gauvin, Gosselin, Prav, Dennis Ramsev, Tripp and Winkley.

SULLIVAN: Cutting, Sim Gray, Lucas, Palmer and Wiggins, and the report was not adopted, lacking the constitutional requirement of affirmative votes of three-fifths of the entire membership.

HB 618, regulating places where massages are given and their employees. Ought to Pass with Amendment.

Bill permits state and local supervision and regulation of the massage parlor industry. It sets up licensing

procedures, sanitary standards, and mandates checks on criminal records of personnel. Having the support of the Attorney General's Office and other municipal and law enforcement officers, enactment of this bill will inhibit the growth of illicit massage parlors. Vote was 13 - 1. Rep. John Hoar, Jr. for Executive Departments and Administration.

Amendment

Amend RSA 328-B:2, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. It shall be unlawful for any person or persons to operate or conduct any massage establishment which does not conform to the sanitary regulations herein contained, or which may be adopted by the division, or to employ any person as an operator or instructor who does not hold a certificate of registration; or to open and conduct a massage establishment or school in a place of residence in the state.

Amend RSA 328-B:2, III as inserted by section one of the bill by striking out same and inserting in place thereof the following:

III. It shall be unlawful for any person or persons to practice any branch of massage as defined in RSA 328-B:1, IV, either for payment or free demonstrations without first being a registered masseur or masseuse under the provisions of this chapter, or without operating and maintaining a bona fide and duly licensed massage establishment, or being employed in such establishment, and without first paying a certificate of registration fee as set by the director, division of public health services.

Amend RSA 328-B:3 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

328-B:3 Qualifications for Registration. Except as otherwise provided, any person shall be entitled to be registered, and to be issued a certificate of registration, if he furnishes to the director:

I. Satisfactory proof that such person is 18 years of age, or more.

II. Satisfactory proof of good moral character and temperate habits.

III. An oath that such person has not been convicted of any offense that would constitute a crime involving moral turpitude.

IV. A certificate of physical examination, including a Wassermann test, signed by a regularly practicing physician declaring such person to be free from any contagious, infectious or communicable diseases, such examinations having taken place or certificate issued within the preceding 30 days and every 12 months thereafter.

V. The fees in an amount determined by the director which fees shall accompany the application to the director. Before a certificate of registration is issued under this chapter to any person, the director or his designee shall examine the applicant's criminal history record. The director may deny a certificate of registration under this chapter to any person convicted of a criminal offense.

Amend RSA 328-B:4, VI, as inserted by section one of the bill by striking out same and inserting in place thereof the following:

VI. Licensed practical nurses, orderlies, attendants, nurses aids or physical therapists in hospitals under the direction of a licensed physician.

Amend RSA 328-B:7 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

328-B:7 Inspections. The division or any of its authorized representatives or any designated local health officer may at any time, and shall at least once each year, visit and inspect the premises of each massage business in order to ascertain whether it is conducted in compliance with law, including the provisions of this chapter and the rules and regulations adopted by the director. No advance notice of such inspection need be given to the massage business. The owner and operator of every massage business shall keep such records as the director may require. Such records shall be open to inspection at any time by the director or his designee. The operator of every massage business shall furnish to the director such reports and information as the director may require.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Reps. French and Spiro moved that the rules be so far suspended as to permit consideration of HB 701, to establish a division of occupational licensing, certification and registration and to recodify and standardize the statutes of various occupational boards; HB 835, reorganizing the program on alcoholism and drug abuse; HB 845, establishing the office of ombudsman; and HB 839, redefining the term "permanent policemen" as used in RSA 100-A relative to the New Hampshire retirement system, at the present time, the Committee on Executive Departments and Administration having reported after the deadline.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS (cont.)

HB 701, to establish a division of occupational licensing, certification and registration and to recodify and standardize the statutes of various occupational boards. Ought to Pass.

The Committee endorses this very comprehensive reorganization of the many boards and commissions licensing professions and occupations within the State. The study leading up to formation of this legislation spent two years in intensive study on this subject. Vote was 14 - 1. Rep. Louisa K. Woodman for Executive Departments and Administration.

Referred to Appropriations.

HB 740, relative to the university of New Hampshire police force. Inexpedient to Legislate.

This bill was found to be creating a police department in conflict with the local police. The New Hampshire Chiefs of Police Association was unanimously against this bill. These persons were hired as security personnel and not police. Vote was 13 - 2. Rep. Robert W. Dearborn for Executive Departments and Administration.

Resolution adopted.

HB 829, relative to auctions. Inexpedient to Legislate.

A fee of \$25.00 would be required for a special auctioneer's license for anyone who auctions off property because of foreclosure, court order, etc. Among other reasons, the Committee feels the \$25.00 cost would ultimately be passed on to the consumer which the bill supposedly is trying to help. Committee vote 10 - 5. Rep. Stuart D. Trachy for Executive Departments and Administration.

Resolution adopted.

HB 835, reorganizing the program on alcoholism and drug abuse. Ought to Pass with Amendment.

This bill transfers the program on Alcoholism and Drug Abuse into the Department of Health and Welfare under that commissioner. The reorganization is supported by the Governor, and following review by Executive Departments and Administration Committee was recommended ought to pass 13 - 0. Rep. Louisa K. Woodman for Executive Departments and Administration.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Repeal. RSA 126-A:15 relative to the treatment, study and care of inebriates is hereby repealed.

2 Definition of Bureau. Amend RSA 172:1, III as amended by striking out said paragraph and inserting in place thereof the following:

III. "Office" means the office of alcohol and drug abuse prevention within the office of the governor.

3 Definition of Patients. Amend RSA 172:1, IX by striking out in line 3 the word "commission" and inserting in place thereof the following (office) so that said paragraph as amended shall read as follows:

IX. "Patients" is a general term meaning persons who are committed under the provisions of RSA 172:13 hereof or persons who, voluntarily submitting themselves to the office, have been accepted by it for treatment, care or custody.

4 Definition of Controlled Drugs. Amend RSA 172:1, XVI as inserted by 1969, 501:1 by striking out said paragraph and inserting in place thereof the following:

XVI. "Controlled drugs" has the same meaning as in RSA 318-B:1, VI.

5 Definition of Appropriate Care Facilities. Amend RSA 172:1 by inserting after paragraph XXII the following new paragraph:

XXIII. "Appropriate care facility" means a care facility designated by the office director.

6 Office of Alcohol and Drug Abuse Prevention. Amend RSA 172:2-a as inserted by 1969, 501:2 by striking out said section and inserting in place thereof the following: 172:2-a Office Established. There shall be an office of alcohol and drug abuse prevention within the office of the governor to provide for the scientific care, treatment, and rehabilitation of alcohol and drug abusers, and to work towards prevention and assist in the control of alcohol and drug abuse within the state through education, treatment, community organization, and research.

7 Advisory Commission. Amend RSA 172 by inserting after section 2-a the following new section:

172:2-b Advisory Commission Established. There is hereby established an advisory commission which shall serve in an advisory capacity to the office of alcohol and drug abuse prevention. The commission shall be composed of 10 members, 9 of whom will be appointed by the governor, with the advice and consent of the council. Each member shall be appointed for a term of 3 years and until his successor is appointed and qualified. The office director or his designee shall be an ex officio member of the commission, but shall not serve as chairman. Members shall be compensated for travel and other reasonable expenses.

8 Director. Amend RSA 172:6 as amended by striking out said section and inserting in place thereof the following:

172:6 Office Director. The governor shall appoint a office director in accordance with RSA 4:12.

9 Deputies. Amend RSA 172:7 by striking out said section and inserting in place thereof the following:

172:7 Deputy Office Directors. The governor shall appoint 2 deputy office directors in accordance with state personnel regulations. The deputy office directors shall direct the office whenever the director is absent or unable to act from any cause.

10 Duties of Director. Amend the introductory paragraph of RSA 172:8 as amended by striking out said paragraph and inserting in place thereof the following:

172:8 Duties of Office Director. Subject to the general supervision of the governor, the office director shall:

11 Dut. Amend RSA 172:8, IV as amended by striking out in line 3 the word "division" and inserting in place thereof the following (office) so that said paragraph as amended shall read as follows:

IV. Have the authority to accept or reject for examination, diagnosis, guidance, and treatment, insofar as funds and facilities permit, any resident of the state who comes to the office voluntarily for advice and treatment.

12 Duty. Amend RSA 172:8, V as amended by striking out in line 3 the word "program" and inserting in place thereof the following (office) so that said paragraph as amended shall read as follows:

V. Make and enforce rules and regulations pursuant to RSA 541-A respecting

the acceptance, care, treatment and discipline of inebriates, drug dependent persons, and alcohol or drug abusers who are patients of this office or a designated appropriate care facility.

13 Confidentiality. Amend RSA 172:8-a as inserted by 1969, 501:7 by striking out said section and inserting in place thereof the following:

172:8-a Confidentiality of Patient Records. No reports or records or the information contained therein on any patient of the office or a designated appropriate care facility or any patient referred by the office shall be discoverable by the state in any criminal prosecution. No such reports or records shall be used for other than rehabilitation, research, statistical or medical purpose, except upon the written consent of the person examined or treated. Confidentiality shall not be construed in such manner as to prevent recommendation by the office director to a referring court, nor shall it deny release of information through court order pursuant to appropriate federal regulations.

14 Acceptance of Grants. Amend RSA 172:9 as amended by striking out said section and inserting in place thereof the following:

172:9 Acceptance of Grants. The governor is authorized to accept in the name of the state special grants or money or services from the federal or state governments or any of their agencies and may accept gifts to carry on the activities of the office of alcohol and drug abuse prevention.

15 Facilities and Personnel. Amend RSA 172:10 as amended by striking out said section and inserting in place thereof the following:

172:10 Facilities and Personnel. Within the limits of available appropriations and funds, the governor may contract for such educational, research, case work, institutional, medical facilities, personnel and services of public or private agencies as are necessary or desirable to carry out the provisions of this chapter; and may accept for training, and may assign for training, such medical, technical and clinical personnel as may be desirable.

16 Repeal. RSA 172:11 relative to buildings and equipment is hereby repealed.

17 Hospital. Amend RSA 172:12 by striking out in line 2 the word "may" and inserting in place thereof the following (shall) so that said section as amended shall read as follows:

172:12 New Hampshire Hospital. Until an institution is established, quarters for the reception and treatment of patients shall be prepared at the New Hampshire hospital, and all patients there received or committed thereto shall be subject to the discipline and control of the superintendent of that institution upon consultation with the office director.

18 Commitments. Amend RSA 172:13 as amended by striking out said section and inserting in place thereof the following:

172:13 Commitments; Custody; Acceptance and Admissions.

I. Voluntary admissions. Any resident of the state, or the parent, person in loco parentis, or the legal guardian of a resident under 18 years of age or mentally incompetent, may apply to the office director for voluntary admission of such resident for care, treatment and guidance. The office director may make such regulations regarding the admission, care and treatment of voluntary patients as he deems best, except that such patients shall not be under the control of the office director for less than 30 days nor more than one year. The regulations of the office director in regard to voluntary patients shall be printed and made available to the public. No voluntary patient shall, by asking the help or care of the office director, abridge any of his civil rights nor shall evidence of his voluntary submission to the office director's care and control be admissible against him in any court. All records pertaining to voluntary patients shall be kept confidential and not divulged, except that the office director may release such records to hospitals, institutions and physicians whenever in his discretion such information may assist in further treatment of the voluntary patient.

II. Any justice of the superior court and any justice of a municipal or district court on petition of the office director may commit to the care and custody of an appropriate care facility for a period of not less than 30 days nor more than 90 days any person found by the court on hearing to be an inebriate. The superintendent of the New Hampshire hospital shall be notified of the filing of any such petition by the court having jurisdiction thereof, and he may appear as an interested party. If the presiding justice finds the evidence sufficient to justify finding that the petitionee may be an inebriate, he may, pending the order as to committal, as provided above, commit such petitionee to the appropriate care facility for a period of not more than 14 days and require him during said period to submit to the superintendent thereof, for observation and study to determine whether in the judgment of the superintendent said petitionee is an inebriate. Said period of observation may be completed in cooperation with the office of alcohol and drug abuse prevention. At the end of such period the superintendent in cooperation with the office director shall report his findings to the presiding justice. The findings of the presiding justice on all questions of fact presented by any proceedings brought before him under this paragraph shall be final.

III. When a person is indicted for any felony, is bound over by any district or municipal court to await the action of the grand jury on any felony, or is charged with a misdemeanor, and question as to the drug dependency of said person is raised by either party, any justice of the superior, district or municipal court may, after hearing, order such person to be examined under the supervision and in accordance with the instructions of the director of the office of alcohol and drug abuse prevention to determine whether said person is drug dependent. Pending the examination and

report of the office director, such person, at the discretion of the court, may be placed in the immediate care and custody of the director of the office; an alcohol-drug abuse clinic; a mental health clinic or center; the New Hampshire hospital; an appropriate care facility; or any other responsible individual or diagnostic-treatment facility, or released on bail or personal recognizance, or confined to the county jail until further order of the court. The office director shall report the results of the examination and his findings to the court in writing.

IV. If a person examined pursuant to the provisions of paragraph III is found to be drug dependent, the superior court having jurisdiction over the criminal action may, after hearing, without regard to the result of the criminal action, issue an order committing said person to the care and custody of the director of the office for a period of not more than 24 months. During treatment no further action shall be taken in respect to the original charges made against such a person unless otherwise ordered by the court. The office director may require that said person remain at an appropriate care facility or may release him conditionally for treatment at any alcohol-drug abuse clinic, a mental health clinic or center, an out-patient facility of the state hospital or other appropriate sources of care. A violation of the conditions of release shall empower the office director to return said person to in-patient status at an appropriate care facility. The office director may at any time during the 24 month commitment period petition the committing court to modify the conditions of or to terminate said commitment period. A writ of habeas corpus shall lie in favor of a patient of the office or a designated appropriate care facility for any abuse of discretion on the part of the office director regarding conditional release.

V. Nothing in this section shall prevent the court from placing a person convicted of a violation of RSA 318-B on probation conditioned upon the requirement that the person receive treatment at a treatment facility (alcohol-drug abuse clinic, mental health clinic or center, out-patient facility of the New Hampshire hospital or other appropriate sources of care) designated by the director of the office.

VI. Any person who is placed by court order under the office's custody and care, or any person who is accepted by the office director as a voluntary patient, shall be subject to the controls and regulation of the office director or such employee of the office as he may designate. Any patient of the office or designated appropriate care facility may be permitted to go at large without custody or restraint for such times and under such conditions as the office director or his designated agent judges best.

VII. The office director may make an order transferring a patient of the office or a designated appropriate care facility to another appropriate state or private agency or institution within the state for treatment or care or without the state with

the notification to any patient or patient's legal guardian or the court in the case of court ordered patients for treatment or care. In the event that the patient has been committed to the office by a court, the order for such transference shall not exceed the time specified in the court order.

VIII. At the expiration of the term of custody and care of a patient who has been committed by a court to the office, the patient shall be discharged unless the office director recommends to the court prior to expiration that the patient is in need of additional care and treatment, in which event the court on hearing may order the patient recommitted. In all cases patients shall be represented by legal counsel at such a hearing.

IX. When a patient is deemed ready for discharge by the office director, he may through his designated agent request the termination of the court order before the expiration date.

19 Costs and Income. Amend RSA 172:14 by striking out said section and inserting in place thereof the following:

172:14 Costs and Income.

1. In respect to any or all items of expense incurred by the office in connection with the commitment, care, custody, treatment and rehabilitation of any of its patients or patients of a designated appropriate care facility, the office insofar as possible shall seek to be reimbursed by the patients or persons liable for the support of the patient. The office director shall determine whether a patient, or any persons chargeable therewith, is able to bear the expense incidental to said commitment, care, custody, treatment and rehabilitation. In a case where the patient, or persons chargeable with his support, are able to pay only a part of such expense, the office director upon satisfactory evidence may direct that such part of the expense as cannot be met by the patient or persons chargeable therewith be paid by the state. No patient is to be charged at any rate greater than cost. Said cost shall not include the costs of administration of the office.

II. In the event of the commitment of an inebriate by a court to the office, the court may inquire into the financial condition of the inebriate or any other person charged with his support and may impose liability for the expenses of the inebriate's custody and care on the proper person, county or town;

III. Such money as is received by the office from a patient of the office or a designated appropriate care facility, or on his behalf, for sale of services or things, or for any other reason, shall be placed in a special fund to be used for the purposes of this chapter alone. Said funds shall be in addition to the appropriations granted the office;

IV. The office is authorized from its appropriation or from funds allotted for the office by the governor and council, to create a revolving fund which shall be used for loans to finance the expenses of the costs of care, custody, treatment and rehabilitation of its patients or patients of a designated appropriate care facility.

Such loans shall be made without interest charges.

20 Present Executive Director. The executive director of the program on alcohol and drug abuse of the division of public health services of the department of health and welfare on the effective date of this act shall be retitled, and continue in the employ of the state, as a deputy office director provided for in RSA 172:7, as amended by section 8 of this act.

21 Transfer of Equipment, Personnel, Etc. All of the appropriations for, and rights, obligations, duties, powers, classified personnel, supplies, and equipment of, the program on alcohol and drug abuse of the division of public health services, of the department of health and welfare are hereby transferred to the office of the governor for the office of alcohol and drug abuse prevention. The aforesaid program on alcohol and drug abuse is hereby abolished, with all of its functions continuing in the office of alcohol and drug abuse prevention established by this act. Such transfer shall not eliminate any existing position within the program on alcohol and drug abuse.

22 Definition of Commissioner. Amend RSA 172:1, III as amended by striking out said paragraph and inserting in place thereof the following:

III. "Commissioner" means the commissioner of health and welfare.

23 Definition of Patients. Amend RSA 172:1, IX as amended by striking out said paragraph and inserting in place thereof the following:

IX. "Patients" is a general term meaning persons who are committed under the provisions of RSA 172:13 hereof or persons who, voluntarily submitting themselves to the commissioner, have been accepted by it for treatment, care or custody.

24 Definition of Appropriate Care Facilities. Amend RSA 172:1, XXIII by striking out said paragraph and inserting in place thereof the following:

XXIII. "Appropriate care facility" means a care facility designated by the commissioner.

25 Program Created. Amend RSA 172:2-a as inserted by 1969, 501:2 as amended by striking out said section and inserting in place thereof the following:

172:2-a. Program Established. The commissioner shall provide for the scientific care, treatment, and rehabilitation of alcohol and drug abusers, and work towards the prevention of, and assist in the control of, alcohol and drug abuse within the state through education, treatment, community organization, and research.

26 Advisory Commission. Amend RSA 172:2-b by striking out said section and inserting in place thereof the following:

172:2-b Advisory Commission Established. There is hereby established an advisory commission which shall serve in an advisory capacity to the commissioner in carrying out the provisions of this chapter. The commission shall be composed of 10 members, 9 of whom shall be appointed by the governor with the advice and consent of the council. Each member shall be

appointed for a term of 3 years and until his successor is appointed and qualified. The commissioner or his designee shall be an ex officio member of the commission, but shall not serve as chairman. Members shall be compensated for travel and other reasonable expenses.

27 Repeal. RSA 172:6 relative to the office director is hereby repealed.

28 Divisions. Amend RSA 172:7 as amended by striking out said section and inserting in place thereof the following:

172:7 Assignment of Functions. The commissioner may assign the functions provided for in this chapter to such of the divisions, or a new division, of the department of health and welfare as the commissioner deems appropriate.

29 Duties of Commissioner. Amend the introductory paragraph of RSA 172:8 as amended by striking out said paragraph and inserting in place thereof the following:

172:8 Duties of Commissioner. The commissioner shall:

30 Dutv. Amend RSA 172:8, IV as amended by striking out said paragraph and inserting in place thereof the following:

IV. Have the authority to accept or reject for examination, diagnosis, guidance, and treatment, insofar as funds and facilities permit, any resident of the state who comes to the commissioner voluntarily for advice and treatment.

31 Dutv. Amend RSA 172:8, V as amended by striking out said paragraph and inserting in place thereof the following:

V. Make and enforce rules and regulations pursuant to RSA 541-A respecting the acceptance, care, treatment and discipline of inebriates, drug dependent persons, and alcohol or drug abusers who are patients of this program or an appropriate care facility.

32 Confidentiality. Amend RSA 172:8-a as inserted by 1969, 501:7 as amended by striking out said section and inserting in place thereof the following:

172:8-a Confidentiality of Patient Records. No reports or records or the information contained therein on any patient of the program or a designated appropriate care facility or any patient referred by the commissioner shall be discoverable by the state in any criminal prosecution. No such reports or records shall be used for other than rehabilitation, research, statistical or medical purpose, except upon the written consent of the person examined or treated. Confidentiality shall not be construed in such manner as to prevent recommendation by the commissioner to a referring court, nor shall it deny release of information through court order pursuant to appropriate federal regulations.

33 Acceptance of Grants. Amend RSA 172:9 as amended by striking out said section and inserting in place thereof the following:

172:9 Acceptance of Grants. The commissioner is authorized to accept in the name of the state special grants or money or services from the federal or state governments or any of their agencies and may accept gifts to carry on the functions provided for in this chapter.

34 Facilities and Personnel. Amend RSA

172:10 as amended by striking out said section and inserting in place thereof the following:

172:10 Facilities and Personnel. Within the limits of available appropriations and funds, the commissioner may contract for such educational, research, case work, institutional, medical facilities, personnel and services of public or private agencies as are necessary or desirable to carry out the provisions of this chapter; and may accept for training, and may assign for training, such medical, technical and clinical personnel as may be desirable.

35 Hospital. Amend RSA 172:12 by striking out said section and inserting in place thereof the following:

172:12 New Hampshire Hospital. "Until an institution is established, quarters for the reception and treatment of patients shall be prepared at the New Hampshire hospital, and all patients there received or committed thereto shall be subject to the discipline and control of the superintendent of that institution upon consultation with the commissioner.

36 Commitments. Amend RSA 172:13 as amended by striking out said section and inserting in place thereof the following:

172:13 Commitments; Custody; Acceptance and Admissions.

I. Voluntary Admissions. Any resident of the state, or the parent, person in loco parentis, or the legal guardian of a resident under 18 years of age or mentally incompetent, may apply to the commissioner for voluntary admission of such resident for care, treatment and guidance. The commissioner may make such regulations regarding the admission, care and treatment of voluntary patients as he deems best, except that such patients shall not be under the control of the commissioner for less than 30 days nor more than one year. The regulations of the commissioner in regard to voluntary patients shall be printed and made available to the public. No voluntary patient shall, by asking the help or care of the commissioner, abridge any of his civil rights nor shall evidence of his voluntary submission to the commissioner's care and control be admissible against him in any court. All records pertaining to voluntary patients shall be kept confidential and not divulged, except that the commissioner may release such records to hospitals, institutions and physicians whenever in his discretion such information may assist in further treatment of the voluntary patient.

II. Any justice of the superior court and any justice of a municipal or district court on petition of the commissioner may commit to the care and custody of an appropriate care facility for a period of not less than 30 days nor more than 90 days any person found by the court on hearing to be an inebriate. The superintendent of the New Hampshire hospital shall be notified of the filing of any such petition by the court having jurisdiction thereof, and he may appear as an interested party. If the presiding justice finds the evidence sufficient to justify finding that the petitionee may be an inebriate, he may, pending the order as to commitment, as

provided above, commit such petitionee to an appropriate care facility for a period of not more than 14 days and require him during said period to submit to the superintendent thereof, for observation and study to determine whether in the judgment of the superintendent said petitionee is an inebriate. Said period of observation may be completed in cooperation with the commissioner's program on alcohol and drug abuse. At the end of such period the superintendent in cooperation with the commissioner shall report his findings to the presiding justice. The findings of the presiding justice on all questions of fact presented by any proceedings brought before him under this paragraph shall be final.

III. When a person is indicted for any felony, is bound over by any district or municipal court to await the action of the grand jury on any felony, or is charged with a misdemeanor, and question as to the drug dependency of said person is raised by either party, any justice of the superior, district or municipal court may, after hearing, order such person to be examined under the supervision and in accordance with the instructions of the commissioner to determine whether said person is drug dependent. Pending the examination and report of the commissioner, such person, at the discretion of the court, may be placed in the immediate care and custody of the commissioner; an alcohol-drug abuse clinic, a mental health clinic or center; the New Hampshire hospital; an appropriate care facility; or any other responsible individual or diagnostic-treatment facility, or released on bail or personal recognizance, or confined to the county jail until further order of the court. The commissioner shall report the results of the examination and his findings to the court in writing.

IV. If a person examined pursuant to the provisions of paragraph III is found to be drug dependent, the superior court having jurisdiction over the criminal action may, after hearing, without regard to the result of the criminal action, issue an order committing said person to the care and custody of the commissioner for a period of not more than 24 months. During treatment no further action shall be taken in respect to the original charges made against such a person unless otherwise ordered by the court. The commissioner may require that said person remain at an appropriate care facility or may release him conditionally for treatment at any alcohol-drug abuse clinic, a mental health clinic or center, an out-patient facility of the state hospital or other appropriate sources of care. A violation of the conditions of release shall empower the commissioner to return said person to in-patient status at an appropriate care facility. The commissioner may at any time during the 24 month commitment period petition the committing court to modify the conditions of or to terminate said commitment period. A writ of habeas corpus shall lie in favor of a patient of the program or a designated appropriate care facility for any abuse of discretion on the part of the commissioner regarding conditional release.

V. Nothing in this section shall prevent the court from placing a person convicted of a violation of RSA 318-B on probation conditioned upon the requirement that the person receive treatment at a treatment facility (alcohol-drug abuse clinic, mental health clinic or center, out-patient facility of the New Hampshire hospital or other appropriate sources of care) designated by the commissioner.

VI. Any person who is placed by court order under the commissioner's custody and care, or any person who is accepted by the commissioner as a voluntary patient, shall be subject to the control and regulation of the commissioner or such employee as he may designate. Any patient of the program or a designated appropriate care facility may be permitted to go at large without custody or restraint for such times and under such conditions as the commissioner or his designated agent judges best.

VII. The commissioner may make an order transferring a patient of the program or a designated appropriate care facility to another appropriate state or private agency or institution within the state for treatment or care or without the state with the notification to any patient or patient's legal guardian or to the court in the case of court ordered patients for treatment or care. In the event that the patient has been committed to the program by a court, the order for such transference shall not exceed the time specified in the court order.

VIII. At the expiration of the term of custody and care of a patient who has been committed by a court to the program, the patient shall be discharged unless the commissioner recommends to the court prior to expiration that the patient is in need of additional care and treatment, in which event the court on hearing may order the patient recommitted. In all cases patients shall be represented by legal counsel at such a hearing.

IX. When a patient is deemed ready for discharge by the commissioner, he may through his designated agent request the termination of the court order before the expiration date.

37 Costs and Income. Amend RSA 172:14 as amended by striking out said section and inserting in place thereof the following:
172:14 Costs and Income.

I. In respect to any or all items of expense incurred by the commissioner in connection with the commitment, care, custody, treatment and rehabilitation of any of its patients, or patients of a designated appropriate care facility, the commissioner insofar as possible shall seek to be reimbursed by the patient or persons liable for the support of the patient. The commissioner shall determine whether a patient, or any persons chargeable therewith, is able to bear the expense incidental to said commitment, care, custody, treatment and rehabilitation. In a case where the patient, or persons chargeable with his support, are able to pay only a part of such expense, the commissioner upon satisfactory evidence may direct that such part of the expense as cannot be met by the patient or persons chargeable therewith be paid by the state.

No patient is to be charged at any rate greater than cost. Said cost shall not include the costs of administration of the program.

II. In the event of the commitment of an inebriate by a court to the program, the court may inquire into the financial condition of the inebriate or any other person charged with his support and may impose liability for the expense of the inebriate's custody and care on the proper person, county or town;

III. Such money as is received by the commissioner from a patient of the program, or a designated appropriate care facility, or on his behalf, for sale of services or things, or for any other reason, shall be placed in a special fund to be used for the purposes of this chapter alone. Said funds shall be in addition to the appropriations granted the program;

IV. The commissioner is authorized from its appropriation or from funds allotted for the program by the governor and council, to create a revolving fund which shall be used for loans to finance the expenses of the costs of care, custody, treatment and rehabilitation of its patients or patients of a designated appropriate care facility. Such loans shall be made without interest charges.

38 Transfer of Equipment, Personnel, Etc. All of the appropriations for, and rights, obligations, duties, powers, personnel, supplies, and equipment of, the office of alcohol and drug abuse prevention in the office of the governor are hereby transferred to the commissioner of health and welfare. The office of alcohol and drug abuse prevention in the office of the governor is hereby abolished, with all of its functions continuing in the commissioner of health and welfare. Such transfer shall not eliminate any existing position within the office of alcohol and drug abuse prevention.

39 Transfer of Members of Advisory Commission. All members of the advisory commission to the office of alcohol and drug abuse prevention pursuant to RSA 172:7-b on the effective date of this section are hereby transferred and appointed to the advisory commission to the commissioner which is established under RSA 172:2-h.

40 Effective Date.

I. Sections 1 through 21 of this act shall take effect upon its passage.

II. Sections 22 through 40 shall take effect January 1, 1981.

Amendment adopted.

Rep. Townsend yielded to questions.
Referred to Appropriations.

HB 839, redefining the term "permanent policemen" as used in RSA 100-A relative to the New Hampshire retirement system. Ought to Pass with Amendment.

This bill is a result of a great deal of study by the Committee. It redefines Group II of the retirement system. It is prospective legislation, "grandfathering" those presently in the system. Comprehensive review has been necessary for many years. Finally, this legislation completes that review. Vote

was 11 - 4. Rep. Ruth Nemzoff-Berman for Executive Departments and Administration.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definition of Permanent Policemen Changed. Amend RSA 100-A:1, VII (supp) as inserted by 1967, 134:1 as amended by striking out said paragraph and inserting in place thereof the following:

VII. Permanent policemen. The term "permanent policeman" shall mean any person, male or female, who is a chief, deputy chief, marshal, deputy marshal, colonel, lieutenant colonel, major, captain, lieutenant, sergeant, corporal, officer of any other rank, patrolman, trooper, detective, investigator, sheriff, or deputy sheriff regularly employed on full-time duty by a police department or police force of the state, county, city, town, village or precinct, and full-time conservation officer employed by the department of fish and game, full-time state prison warden, full-time state prison deputy warden, full-time superintendent of a house of correction or county jail, full-time deputy superintendent of a house of correction or county jail, permanent correctional line personnel of the state prison, and permanent correctional line personnel of county jails and houses of correction.

2 Membership Specifically Restricted. Notwithstanding any other provision of law to the contrary, permanent policemen, as defined in RSA 100-A:1, VII, and permanent firemen, as defined in RSA 100-A:1, VIII, shall be the only members of group II of the New Hampshire retirement system, provided that all members of group II with creditable service in group II on the effective date of this act shall continue as group II members after the effective date of this act.

3 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Referred to Appropriations.

HR 845, establishing the office of ombudsman. Ought to Pass with Amendment. This bill establishes the central office of ombudsman. The office serves as an expert and impartial agent for the general public. It will report to the Legislature, the Governor, the public and the agencies. Vote was 13 - 1. Rep. Peter E. Ramsey for Executive Departments and Administration.

Amendment

Amend RSA 14-B:2 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

14-B:2 Office Established. There is hereby established the office of ombudsman. The ombudsman shall be nominated by a majority of the supreme court and confirmed by 3/5 of the joint membership of the senate and house of representatives and who are present and voting. The ombudsman shall

serve for a term of 5 years, but shall not hold said office for more than 2 consecutive terms.

Amend RSA 14-B:3, II (a) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(a) Be actively involved in political party activities or hold any public elective office for 2 years after his term expires;

Amend RSA 14-B:13, III as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

III. The ombudsman and his staff shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of their official duties except as may be necessary to enforce this chapter and as may be ordered by the court in any civil or criminal matter.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Compensation. Amend RSA 94:1-a, I (supp) as amended by inserting in Group M the following:

Ombudsman

Amend the bill by striking out all after section 4 and inserting in place thereof the following:

4 Appropriation. There is hereby appropriated for the fiscal year ending June 30, 1980 and for the fiscal year ending June 30, 1981, to be expended for the purposes of section 2 of this act as follows:

	Fiscal Year 1980	Fiscal Year 1981
Ombudsman	\$23,000	\$23,000
Deputy ombudsman	22,000	22,000
Assistant ombudsman	12,000	12,000
2 secretaries	15,000	15,000
Equipment	650	650
Other personal services	10,000	10,000
Benefits	10,000	10,000
In-state travel	1,000	1,000
Out-state travel	1,000	1,000
Other expenditures	2,000	2,000
	<u>\$96,650</u>	<u>\$96,650</u>

The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Referred to Appropriations.

HB 691, limiting municipal liability claims for property damage and other personal injury. Refer to Interim Study. Although HB 691 addresses a problem that needs to be corrected, the bill needs extensive study and amending. Vote for Interim Study was 17 - 0. Rep. Minnie F. Carswell for Judiciary.

Rep. Carswell explained the committee report.

Referred to the Committee on Judiciary for Interim Study.

HB 692, limiting liability of municipal employees and officers in claims for

property damages, bodily injuries and other personal injuries. Refer to Interim Study.

HB 692 has same problems as previous bill, HB 691. Committee voted 17 - 0 for Interim Study. Rep. Minnie F. Carswell for Judiciary.

Rep. Carswell explained the committee report.

Referred to the Committee on Judiciary for Interim Study.

HB 816, repealing the law that exempts the department of employment security from the right to know law. Ought to Pass. No other state which has a right to know law exempts any particular agency. The Committee felt the Department of Employment Security should not be given this unique exemption. Current statutes adequately protect individual confidentiality and sensitive subject matter from being made public record. Vote was 12 - 6. Rep. David B. Campbell for Judiciary.

Rep. Bosse spoke to the committee report. Rep. Carswell moved that HB 816 be laid upon the table.

Adopted.

HB 821, amending the mechanics lien law. Refer to Interim Study.

Bill presented to Committee during "crunch" and needs indepth study. Unanimous for report. Rep. Minnie F. Carswell for Judiciary.

Rep. Carswell explained the committee report.

Referred to the Committee on Judiciary for Interim Study.

HB 251, authorizing arbitration in the resolution of public employee labor relations' disputes. Refer to the Committee on Labor, Human Resources and Rehabilitation for Interim Study.

Committee feels that the bill affects most cities and towns adversely. The city of Manchester might want such protection, however, and might be considered in separate legislation in another session. Vote was 14 - 3. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

Referred to the Committee on Labor, Human Resources and Rehabilitation for Interim Study.

HB 448, relative to the public employee labor relations board. Inexpedient to Legislate.

Several of the provisions in this bill are addressed in HB 769. Other items regarding an Executive Director to Public Employee Labor Relations Board and per diem compensation have been addressed in the Board's budget. Vote was 7 - 4. Rep. Joanne C. Head for Labor, Human Resources and Rehabilitation.

Resolution adopted.

HB 726, relative to mediation and binding arbitration for public employees. Refer to the Committee on Labor, Human Resources and Rehabilitation for Interim Study.

Committee has concern that binding arbitration takes financial control of their own tax money from cities and towns. Needs indepth study. Vote was 13 - 4. Rep. William J. McDonough for Labor, Human Resources and Rehabilitation.

Referred to the Committee on Labor, Human Resources and Rehabilitation for Interim Study.

HB 752, relative to overtime pay for employees. Refer to the Committee on Labor, Human Resources and Rehabilitation for Interim Study.

HB 752 providing a time and half provision for any employee working over 40 hours a week is far more reaching than the Federal Wage Law. The measure needs further study as to which workers would be excluded from this measure, and which would be included. The impact of this legislation needs close study with the Department of Labor and its Wage and Hour Division to draft a provision to the categories of employees who need such help. Vote was 8 - 7. Rep. Kenneth H. Gould for Labor, Human Resources and Rehabilitation.

Referred to the Committee on Labor, Human Resources and Rehabilitation for Interim Study.

HB 783, relative to the public employee labor relations. Refer to the Committee on Labor, Human Resources and Rehabilitation for Interim Study.

This bill could have broad ramifications regarding policies of the state agencies and the State Personnel System. Committee needs more time and further study of the Merit System aspects and the effects of it being subjected to the collective bargaining process. Vote 10 - 1. Rep. Joanne C. Head for Labor, Human Resources and Rehabilitation.

Referred to the Committee on Labor, Human Resources and Rehabilitation for Interim Study.

HB 815, relative to eligibility requirements for unemployment compensation. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: Majority of Committee felt that Rule 21 of the Rules and Regulations of the Department of Employment Security dealt sufficiently with the meaning of voluntarily leaving work for the purpose of collecting unemployment compensation benefits. Senate Bill 71 deals with the same subjects as contained in HB 815. Vote was 8 - 5. Rep. Rowland H. Schmidtchen for the Majority of Labor, Human Resources and Rehabilitation. MINORITY: The minority believes that a person who has left his or her

employment because of illness or injury should not be classified as having left his or her work voluntarily. When the law states that an employee has left his or her employment voluntarily because he or she has broken their leg or back or has been unfortunate enough to become ill with hepatitis, pneumonia, heart attack or other illness is a little far-fetched and really stretches the meaning of voluntary. Reps. William J. McDonough, Wilfred Burkush, Robert E. Drew, Frank J. Reidy and Stanley J. Zajdel for the Minority of Labor, Human Resources and Rehabilitation.

Resolution adopted.

HB 834, relative to impasse procedures under the public employee labor relations act. Refer to the Committee on Labor, Human Resources and Rehabilitation for Interim Study.

Committee had the same position on this binding arbitration as it did on HB 751 and HB 726. The entire subject needs indepth study. Vote was 14 - 3. Rep. William J. McDonough for Labor, Human Resources and Rehabilitation.

Referred to the Committee on Labor, Human Resources and Rehabilitation for Interim Study.

HB 855, relative to the size of bargaining units under the public employee labor relations act. Inexpedient to Legislate.

This bill would allow school employees from separate districts to join together to form bargaining units of 10 or more to collectively bargain with the Supervisory Union. Since the Supervisory Union has no power over funding and is not the employer, this legislation is unrealistic. Vote was 8 - 3. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

Resolution adopted.

HB 856, relative to increasing the size of the public employee labor relations board. Inexpedient to Legislate.

This subject is addressed in another bill before the Committee and is a duplication. Vote was 13 - 2. Rep. Rolanda A. Sallada for Labor, Human Resources and Rehabilitation.

Resolution adopted.

HB 530, to provide a local option for supplemental appraisal, assessment and taxation of new real estate. Inexpedient to Legislate.

For the second time the Committee is reporting HB 530 as Inexpedient to Legislate because of the costs incurred in trying to enforce this bill. Vote was 14 - 0. Rep. Beverly A. Gage for Municipal and County Government.

Rep. M. Arnold Wight moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate,

and spoke to his motion.

Rep. Beverly Gage spoke in favor of the motion.

Motion adopted.

Rep. Wight offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

to provide for supplemental appraisal, assessment and taxation of real property.

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Exception. Amend RSA 76:2 as amended by inserting in line 2 after the word "month" the following (except as provided by RSA 76:2-a) so that said section as amended shall read as follows:

76:2 Property Taxes. All property taxes for any year following April first may be assessed upon the inventory taken in that month except as provided by RSA 76:2-a.

2 New Section. Amend RSA 76 by inserting after section 2 the following new section:

76:2-a Supplemental Assessment.

I. A supplemental assessment on property subject to construction requiring the issuance of a building permit by a city or town between April 1 and October 1 shall be made based on a revised inventory taken on October 1 of that year which shall be filed by October 15. The property tax due on the revised inventory delineating the changes made shall be calculated on a prorated basis of the current year's tax rate. Every building permit issued between April 1 and October 1 shall contain a notice that an inventory delineating the changes made on the property subject to the permit shall be made on October 1 of that year.

II. The assessor shall notify the property owner of the appraisal of the property within 10 days after the revised inventory is filed. The tax collector shall then send a bill based on the assessor's appraisal for the supplemental tax to the property owner by November 1. The tax due shall be paid by December 1 of that year.

III. All revenues received under this section shall be treated as revenues for the year in which they are received. No supplemental appraisal shall have any effect on calculations based on total value or equalized value of each city or town for purposes of distribution of revenue, setting bonding limits or any other purpose.

IV. Procedures for abatement and appeals from the supplemental tax shall be the same as for other property taxes under RSA 76 and any exemption pursuant to RSA 77 for which a person who owes a supplemental tax is eligible, shall be applied to the supplemental tax if the exemption has not been exhausted and if the person makes timely application therefor. New applications for exemptions shall be deemed timely if filed within 15 days after notice

of the assessment is sent by the assessor under RSA 76:2-a, II. Exemptions shall be prorated in the same manner as are supplemental taxes.

The Assistant Clerk read the amendment.

Rep. Wight explained the amendment.

Rep. Mann spoke in favor of the amendment.

Amendment adopted.

Question being on the substituted committee report, Ought to Pass.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

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VEAS 201

REKNAP: Birch, Bordeaux, Bowler, French, Morin and Sanders.

CARROLL: Roderick Allen, Desjardins, Dickinson, Heath, Howard and Towle.

CHESHIRE: Baybutt, Crane, Daniel Eaton, Eisenrein, Galloway, Johnson, Ladd, Miller, O'Connor, William Riley, Scranton and Vrakatisis.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Chappell, Bradley Haynes, Horton, Theriault and Willey.

CRAFTON: Ira Allen, Copenhaver, Crory, Foster, Michael King, Logan, Lowmes, Mann, McAvoy, McIver, Pepitone, Rounds, Snell, Ward and Andrew Ware.

HILLSBOROUGH: Ainlev, Archambault, Bosse, Boyer, Burkush, Carswell, Compagna, Corey, Corser, Crotty, L. Penn Dion, Beverly Dupont, Raymond Dupont, Joseph Eaton, Gabrielle Gagnon, Nancv Gagnon, Gelinas, Granger, Hall, Hardy, Head, Hendrick, Howard Humphrey, Thomas Hynes, Jamrog, Karnis, Lamv, Lyons, Mazur, McCarthy, McLaughlin, Morgan, Mulligan, Murrav, Odell, Peter Parady, Perkins, Peters, Plomaritis, Polak, Record, Paul Riley, Roy, Silva, Edward Smith, Leonard Smith, Soucy, James Sullivan, Rock Tremblay, Wallin, Eliot Ware, Weaver, Welch, Emma Wheeler, James J. White, M. Arnold Wight and Zaidel.

MERRIMACK: Allgeyer, Avles, Bellerose, Bibbo, Blakeney, Carroll, John Cate, Milton Cate, Clements, Daniell, Epstein, Holliday, James Humphrey, Locke, McLane, Mitchell, Nichols, Packard, Paire, William Roberts, Gerald Smith, Stio, Stokes, Trachy, Underwood and Ernest Valliere.

ROCKINGHAM: Aeschliman, Appel, Benton, Bishee, Blake, Blanchette, Cahill, Marilyn Campbell, Carpenito, Dunfev, Felch, Flanagan, Joseph Flynn, Beverly Gage, Gibbons, Gould, Greene, Hartford, Jones, Roger King, Kozacka, Lavcock, Leslie, Lovejoy, Norman Myers, Nelson, Newell, Newman, Parr, Pevear, Pucci, Quimby, Reese, Rogers, Schwaner, Skinner, Freda Smith, Stickev, Stimmell, Sytek, Vlack, Wojnowski, Wolfson and Woodman.

STRAFFORD: Burchell, Canney, Ronald Chagnon, Farnham, Gauvin, Gosselin, Hebert, Dianne Herchek, McManus, Nadeau, Pine, Prav, Preston, Dennis Ramsey, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Vaughan, Whitehead and Winkley.

SULLIVAN: D'Amante, Lucas, Spaulding and Townsend.

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BELKNAP: None.

CARROLL: Chase and Kenneth MacDonald.

CHESHIRE: Ernst, Kohl, Matson and Jean White.

COOS: Guay, Mayhew, Richardson, Alcide Valliere, Wiswell and York.

GRAFTON: Aldrich, Buckman, George Cate, Christy, Low and Thomson.

HILLSBOROUGH: Baker, Joseph Cote, Craig, Heald, Lefebvre, Milton Meyers, Morrison, Pastor, Podles, Reidy, Stylianos, Thiheault, Kenneth Wheeler and Robert Wheeler.

MERRIMACK: Colby, Hill, LaBranche, Randlett, Doris Riley, Selway, Shepard, Stockman and Waters.

ROCKINGHAM: Collins, Patricia Cote, Robert Day, Ellyson, Griffin, Jackson, Kashulines, Keenan, Landry, LoFranco, McEachern, Parolise, Peterson, Scamman, Schmidtchen, Splaine, Tavitian and Warburton.

STRAFFORD: Demers.

SULLIVAN: Brodeur, Burrows, Domini and Wiggins, and the motion passed.
Ordered to third reading.

HR 91, restricting the disposal of high or low level nuclear wastes in the state and within the coastal jurisdiction of the state. Ought to Pass with Amendment.

The Committee amendment strengthened the prohibition on receipt, storage, and disposal of ALL radioactive waste without disturbing existing procedures for handling non-energy applications. It also develops a sound and valid process for defending the State's rights with respect to radio active waste management. Vote was 12 - 0. Rep. M. Arnold Wight, Jr. for Science and Technology.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

prohibiting the storage or disposal or both of radioactive waste within the state and coastal jurisdiction of the state.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Short Title. This act may be cited as the Radioactive Waste Consultation Act.

2 Declaration of Findings. The general court hereby finds:

I. There is strong public sentiment to prohibit a radioactive waste facility in this state.

II. The possibility of federal pre-emption of state statutes in this area is generally recognized as is the fact that New Hampshire has little national political persuasion in Congress.

III. Lacking clear cut federal policy and legislation, there exists a compelling need to establish stringent precautions to be taken to ensure that nuclear wastes do not adversely affect the public health and safety of this or future generations. It behooves the state to insure that its interests in every regard are protected from federal domination.

IV. Radioactive waste management is an issue of major public concern. Since nuclear fuel and radioactive waste from commercial, industrial and defense industries are increasing rapidly. There exists a compelling need to establish criteria relating to the siting, licensing, storage, disposal or both storage and disposal of all radioactive waste. Toward that end, the state requires a thoughtful, reasoned approach to the storage and disposal of radioactive waste.

3 New Subdivision. Amend RSA 125 by inserting after section 77 the following new subdivision:

Radioactive Waste Consultation
125:77-a Definitions. In this subdivision:

I. "Committee" means the joint legislative committee on radioactive waste established under this subdivision;

II. "Radioactive waste" means all such waste as defined in rules promulgated by the state radiation control agency;

III. "Disposal" means the emplacement of radioactive waste with no intent of recovery whether or not such emplacement permits the recovery of such materials;

IV. "Storage" means retention of radioactive waste with the intent to recover such material for subsequent use, processing or disposal;

V. "Task force" means the task force established under this subdivision.

125:77-h Prohibition. No person shall receive, store or dispose of radioactive waste in the state or within the coastal jurisdiction of the state except as hereinafter provided. Nothing in this subdivision shall be construed to prohibit the on-site storage of spent nuclear fuel rods nor in any way to abrogate or amend the agreement entered into between the state and the United States Atomic Energy Commission pursuant to section 774 of the Atomic Energy Act of 1954 as amended; provided, however, under no circumstances shall spent nuclear fuel rods from any other plant or storage facility be received for on-site storage.

125:77-c Committee Established.

I. There is hereby established a joint legislative committee on radioactive waste which shall be comprised of the following:

(a) The chairmen of the house committees on science and technology, health

and welfare, and environment and agriculture;

(b) Two representatives appointed by the speaker of the house;

(c) Three members of the senate appointed by the president of the senate.

II. Members shall serve without pay but shall be entitled to legislative mileage when participating on committee business.

125:77-d Duties of the Committee.

I. The committee shall develop a state policy for the storage or disposal or both of radioactive waste.

II. Such policy shall be articulated in a joint resolution to be introduced in the 1981 session of the general court along with suggested legislation to implement said policy.

III. The committee shall develop a mechanism to insure an appropriate exchange of information with the task force and any other state, federal, or other agency.

IV. If the task force recommends the siting, licensing, or operation of a radioactive waste facility pursuant to RSA 125:77-f, the committee shall study such action and submit its recommendation in writing to both houses of the general court.

V. The committee shall report not less than annually to both houses of the general court on its activities.

125:77-e Task Force Established. There is hereby established a task force on radioactive waste management comprised of the following:

I. The governor;

II. The commissioner of safety who shall also be the executive secretary of the task force;

III. The commissioner of public works and highways;

IV. The commissioner of health and welfare;

V. A representative appointed by the speaker of the house and a senator appointed by the president of the senate.

125:77-f Duties of the Task Force. The task force shall:

I. Negotiate on behalf of the state with the federal government with respect to the siting, licensing, and operation of a radioactive waste disposal or storage facility or both in the state. In conducting such negotiations the task force shall consider all relevant factors including, but not limited to, safety, economic, health, environmental, security, natural resources, and legal considerations;

II. Any proposal developed by the task force as a result of negotiations under paragraph I shall be subject to ratification by both houses of the general court by concurrent resolution which shall be initiated by the task force;

III. Participate from the beginning in all federal and state regulatory processes relevant to the siting, licensing, or operation of a nuclear waste facility;

IV. Coordinate and work with the committee and any federal agency, task force, or other body in developing a state nuclear waste policy;

V. Utilize existing staff resources within the purview and control of members of the task force;

VI. Report not less than quarterly to the committee on any preliminary or other

negotiations with the federal government or any agency thereof.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 629, relative to property tax exemptions for woodheating energy systems. Ought to Pass.

This bill implements state and federal resolutions encouraging use of renewable energy sources by providing property tax exemptions in a manner similar to previous legislation concerning solar and wind power. Vote was 11 - 0. Rep. M. Arnold Wight, Jr. for Science and Technology.

Ordered to third reading.

HB 378, relative to emergency diagnostic detention. Ought to Pass with Amendment. Committee felt this was best compromise of four bills. Vote was 11 - 1. Rep. Gloria M. Randlett for State Institutions.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to involuntary emergency hospitalization.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purpose. Amend RSA 135-B:1 as inserted by 1973, 556:1 by striking out said section and inserting in place thereof the following:

135-B:1 Purpose and Policy.

I. It is the purpose of this chapter to enable the division of mental health, department of health and welfare, to reduce the occurrence, severity and duration of mental, emotional and behavioral disabilities by guaranteeing the opportunity for humane and definitive treatment for the mentally ill, and to enable those so afflicted to obtain needed treatment or rehabilitation. It is the policy of this state to attempt to restore the patient by such treatment or rehabilitation to a useful life and normal place in his own community through an individualized treatment or rehabilitation plan in a mental health facility.

II. It is also the purpose of this chapter to recognize the occasionally ill-defined association between any specific mental illness and a person's causing harm to himself or others. It is known that such potential for harm to himself or others is of an individual, inconsistent nature; difficult to identify or prove before the fact by medical or legal means. It is also known that there is an ill-defined association between the treatment or rehabilitation of a person with any specific

mental illness and the subsidence or apparent eradication of the potential for harm to himself or others.

III. It is the policy of this state that this potential for harm to himself or others by the person with mental illness is of sufficient severity and occurrence to require the state to concern itself with indirectly attempting to ameliorate or remove such a danger by requiring the humane emergency short or intermediate term treatment or rehabilitation of the associated specific mental illness of such persons.

IV. It is also clearly the policy of this state that mental illness in and of itself is insufficient to commit any individual involuntarily for treatment or rehabilitation, but that on the occasions when potential for harm to self or members of the community occurs in association with a specific mental illness, a person may be committed involuntarily for treatment of his mental illness in a manner which best protects the balance between his individual rights to liberty, due process, least restrictive and least invasive treatment and protection against himself in this condition, and the right of the community to protection from harm from such a person.

2. Definitions. Amend RSA 135-B:2 (supp) as inserted by 1973, 556:1 as amended by striking out said section and inserting in place thereof the following:

135-B:2 Definitions. As used in this chapter, unless the context specifically indicates otherwise:

I. "Absolute release" means the final and complete discharge of a mentally ill patient from any form of treatment by the division.

II. "Administrator" means the superintendent or chief administrative officer of any facility or of any mental health program conducted under the supervision of the director of the division or any employee he so designates as his deputy.

III. "Advisory commission" means the advisory commission on health and welfare.

IV. "Clinical history" means an adequate record showing the specific provisions of this chapter under which the patient was admitted, any subsequent change in the status of the patient, requisite support for such admission and status, the full address of the patient, the name of the patient's legal representative and his full address, and the treatment plan of the patient.

V. "Commissioner" means the commissioner of the department of health and welfare.

VI. "Conditional release" means the placement of a patient outside the facility where the patient has originally been treated for further treatment.

VII. "Department" means the department of health and welfare.

VIII. "Director" means the director of the division of mental health of the department of health and welfare.

IX. "Division" means the division of mental health of the department of health and welfare.

X. "Harm to himself or others" means that (a) an individual has inflicted or attempted to inflict bodily harm on another; or (b) an individual has attempted suicide or self-mutilation and that there is a strong probability the attempted act or acts will occur again if hospitalization is not ordered; or (c) an individual's behavior demonstrates that he so lacks the capacity to care for his own welfare that death, serious bodily injury, or serious debilitation would ensue if immediate hospitalization is not ordered; or (d) an individual has threatened to inflict bodily harm on himself or another.

XI. "Informed decision" means a choice made by a patient or person sought to be hospitalized who has the ability to make such a choice and who makes it voluntarily after all relevant information necessary to making the decision has been provided, and who understands that he is free to choose or refuse any alternative available, and who clearly indicates or expresses the outcome of his choice. Such a choice must be free from all coercion.

XII. "Mental illness" means a substantial impairment of emotional processes, or of the ability to exercise conscious control of one's actions, or of the ability to perceive reality or to reason, which impairment is manifested by instances of extremely abnormal behavior or extremely faulty perceptions; it does not include impairment solely caused by: (a) epilepsy; (b) mental retardation; (c) alcoholism or drug abuse.

XIII. "Physician" means a medical doctor who is licensed to practice in New Hampshire, was practicing medicine at the time of the examination, and is not related to the patient.

XIV. "Professional person in charge" includes, but is not limited to, any psychologist, psychiatrically trained nurse, social worker or other nonmedical personnel who has been formally certified by the director of the facility to conduct evaluations for admission for care on a voluntary basis only, pursuant to the provisions of RSA 135-B:9-18, inclusive. Such certification shall elapse after a period of one year and may be reinstated only after the administrator of the facility or his designee formally and personally examines the professional person in charge and is satisfied that the professional person in charge is qualified to make evaluations pursuant to admission for care on a voluntary basis.

XV. "Psychiatrist" means a physician who is licensed to practice in New Hampshire, is not related to the patient, and is either board-certified or board-eligible according to the most recently promulgated regulations of the American Board of Psychiatry and Neurology, Inc. or its successor organization.

XVI. "Reasonable notice" means a notice, written in a language the patient understands, served in such a manner and at such a time prior to the hearing as the probate court having jurisdiction directs, provided that the patient or his representative has the notice no fewer than 3 days, not including Saturdays, Sundays, or

legal holidays, before the hearing is scheduled to begin.

XVII. "Receiving facility" means New Hampshire hospital, any community mental health program or treatment facility which receives state grants under RSA 176-B, or any other treatment facility designated as a receiving facility by the director of mental health. No facility, program, or agency not directly operated and controlled by the division of mental health shall be designated as a receiving facility without the express written consent of the chief administrator of the facility, program, or agency. A receiving facility may be designated by the director as such for any of the following purposes:

(a) To receive clients under RSA 135-B:19-25 beginning with initial custody and continuing through the day following the probable cause hearing.

(b) To receive clients under RSA 135-B:19-25 for the period of involuntary emergency hospitalization after the probable cause hearing.

(c) To receive clients for voluntary admission under RSA 135-B:9-18.

(d) To receive clients for involuntary admission under RSA 135-B:26-41.

(e) To receive clients for any combination of the purposes in subparagraphs (a) - (d) or for all purposes in subparagraphs (a) - (d). The New Hampshire hospital shall be a receiving facility for all purposes in subparagraphs (a) - (d), and the director of mental health shall take all reasonable steps to encourage other treatment facilities to request designation under this provision.

XVIII. "Representative" means in the following order: legally appointed guardian; the spouse; parent or parents; adult child or children; a citizen who is in a position to safeguard the patient's interests and who has been appointed by the patient to so act; or if the patient cannot or will not appoint a representative, then a citizen who is in a position to safeguard the patient's interests and who has been appointed by the probate or district court. Said representative shall in no case have any common interests with the petitioner for involuntary emergency hospitalization or the person he shall represent. Common interests shall include relation by blood, marriage, employment, proprietary interest or any other relation between the representative and petitioner which could affect the representative's ability to act independently in the best interest of the patient.

XIX. "Treatment" includes examination, diagnosis, training, rehabilitation, therapy, pharmaceuticals and other services provided to patients in mental health programs. Treatment does not include examination or diagnosis in the case of involuntary emergency hospitalization, except as otherwise provided by RSA 135-B:19-25.

XX. Whenever in any rule, order, or regulation made or promulgated pursuant to RSA 135-B or in printed forms prepared by or prepared for the division, the terms insane, insanity, lunatic, lunacy, mentally sick, mental sickness, mentally diseased or mental

disease shall appear, they all mean "mentally ill" or "mental illness" as defined by RSA 135-B:2, XII.

3 Jurisdiction. Amend RSA 135-B:3 as inserted by 1973, 556:1 by striking out said section and inserting in place thereof the following:

135-B:3 Jurisdiction.

I. For proceedings brought under RSA 135-B:26-41 jurisdiction is vested in the probate court in the county where the person sought to be committed resides or the probate court for Merrimack county. In the case of a patient receiving uninterrupted treatment from the division for more than one year at a time, jurisdiction for a hearing held pursuant to this chapter is vested in the probate court for the county where the facility is located that has been treating the patient most recently; unless the court making the initial involuntary admission order has specifically retained jurisdiction over the person to be involuntarily admitted at the time the order was made. Probate court judges presiding at hearings held pursuant to this chapter shall be reimbursed at the same per diem rate as court-appointed referees in superior court pursuant to the provisions of RSA 519:15.

II. For proceedings brought under RSA 135-B:19-25, jurisdiction is vested in the district court of the city or town where the person is detained.

4 Representation by Attorney General. Amend RSA 135-B:4 as inserted by 1973, 556:1 by striking out said section and inserting in place thereof the following:

135-B:4 Representation by Attorney General. The attorney general shall represent the state of New Hampshire in proceedings conducted pursuant to this chapter and shall attend, either in person or by designee, hearings held under this chapter and shall prepare and file petitions and reports required to be filed with the district or probate court. He or his designee shall represent the petitioner in all probable cause hearings in the district court or any probate court proceedings of this chapter.

5 Appeal. Amend RSA 135-B:8 as inserted by 1973, 556:1 by striking out said section and inserting in place thereof the following:

135-B:8 Appeals. Any person aggrieved by an order or decree of the district court has a right of review by the superior court. Any person aggrieved by an order or decree of the probate court has a right of review by the supreme court in the same manner provided for review of cases heard before the superior court.

6 Voluntary Admission Criteria. Amend RSA 135-B:9, II as inserted by 1973, 556:1 by striking out said paragraph and inserting in place thereof the following:

II. If in the opinion of the admitting physician, the criterion of paragraph I, (a), is met but not that of paragraph I, (b), the admitting physician shall, after obtaining approval from the patient, immediately forward a summary of the applicant's clinical history, together with his own evaluation to the mental health facility he considers most suitable for treatment of the applicant, and the

applicant shall be encouraged to immediately apply there. Whenever feasible, if a patient has been recommended to a facility other than the facility that he initially applied to, a summary of the person's initial diagnosis should precede his arrival at the recommended facility. No patient shall be denied admission for in-patient care on a voluntary basis by more than 2 facilities solely on the basis that the facility applied to is not most suited to providing treatment to the applicant, without written approval of the director.

7 Examination. Amend RSA 135-B:14 as inserted by 1973, 556:1 by striking out said section and inserting in place thereof the following:

135-B:14 Examination by Professional Person in Charge. If a physician is not available at a facility to evaluate an applicant for admission for care on a voluntary basis, then the professional person in charge of the facility is hereby empowered to make the evaluation provided for in RSA 135-B:9-13.

8 Restriction on Withdrawal. Amend RSA 135-B:16 as inserted by 1973, 556:1 by striking out said section and inserting in place thereof the following:

135-B:16 Restriction on Withdrawal. If, during the treatment of the patient for care on a voluntary basis, the professional person in charge, the attending physician, or the physician or psychiatrist in charge of the facility to which the patient has been admitted decides the release of the patient or the patient's total or partial withdrawal from treatment at any time will cause harm to either the person voluntarily hospitalized or any other individual, the patient can be ordered to give 24 hours' notice of his desire to be released or to withdraw, and such order and notice shall be written and specify the exact duration of the 24 hour notice period; and this shall become part of the patient's clinical record. Within the 24 hour period of the notice of withdrawal the professional person in charge, the attending physician or physician or psychiatrist in charge of the facility to which the patient has been admitted and treated may execute or cause to be executed a petition or physician's certificate, or both, for involuntary emergency hospitalization pursuant to RSA 135-B:19-20. If in this 24 hour notice period no involuntary emergency hospitalization petition has been executed pursuant to RSA 135-B:19-20, the patient shall be released immediately at the end of that 24 hour period.

9 Discharge. Amend RSA 135-B:18 as inserted by 1973, 556:1 by striking out said section and inserting in place thereof the following:

135-B:18 Discharge. Discharge of any person admitted for care on a voluntary basis may be ordered at any time by the physician or professional person in charge of the facility where the patient is receiving voluntary treatment, if in the discretion of the physician or professional person in charge the patient is no longer benefiting from treatment. The reasons for discharge and the precise time of discharge shall be entered into the patient's clinical history.

10 Involuntary Emergency Hospitalization. Amend RSA 135-B:19-25 (supp) as inserted by 1973, 556:1 as amended by striking out said subdivision and inserting in place thereof the following:

Involuntary Emergency Hospitalization 135-B:19 Involuntary Emergency Hospitalization; Criterion. The criterion to be used by an examining physician, or court in determining whether a person is eligible for involuntary emergency hospitalization shall be whether a person sought to be hospitalized is in such mental condition as a result of mental illness as to pose a strong likelihood of harm to himself or others.

135-B:20 Involuntary Emergency Hospitalization; Examination.

I. The involuntary emergency hospitalization of any individual can be ordered upon the certificate of a physician who has personally examined the person sought to be hospitalized within 3 days after receiving the petition for hospitalization and who has conducted or has caused to be conducted a physical examination, if indicated and circumstances permit, and mental examination and who finds the person meets the criterion of RSA 135-B:19. Such certificate shall state in detail the nature of the examinations conducted together with the time of examination; and the specific acts or actions the physician has personally observed or which have been personally reported to him by the petitioner or a reliable witness who shall be identified in the certificate and which in the physician's opinion satisfy the criterion set forth in RSA 135-B:19. As used in RSA 135-B:19-25, "petitioner" shall mean any individual, including a physician, completing a certificate hereunder, who has requested that a physician conduct or has conducted an examination for purposes of involuntary emergency hospitalization. Every certificate shall be accompanied by a written petition signed by a petitioner. The division of mental health is authorized to provide standard forms designed to meet the requirements of these sections.

II. Upon request for involuntary emergency hospitalization by a petitioner, if the person sought to be hospitalized refuses to consent to a mental examination, a petitioner or a law enforcement officer may sign a complaint which shall be sworn to before a justice of the peace. The complaint shall be accompanied by the petition which shall state in detail the acts or actions of the person sought to be hospitalized which the petitioner has personally observed or which have been personally reported to him and which in his opinion require a compulsory mental examination of the person sought to be hospitalized. If upon presentation to the justice of the peace the justice finds that a compulsory mental examination is necessary, the justice may order such an examination. Upon issuance of such an order, any law enforcement officer is empowered and directed to take custody of such person and immediately deliver him to the place specified in the order.

135-B:21 Delivery to Receiving Facility. Upon completion of an involuntary emergency hospitalization certificate in accordance with RSA 135-B:20, any law enforcement officer is empowered and directed to take custody of the person to be hospitalized and immediately deliver him to the nearest and most appropriate receiving facility designated for involuntary emergency hospitalization. Upon delivery to the receiving facility of the person sought to be hospitalized, the law enforcement officer shall remain at said facility until the administrator or his designee make an initial determination that there is documentary evidence of compliance with RSA 135-B:20. If the administrator or his designee determine that there has not been compliance with RSA 135-B:20, the officer shall return such person to the place where he was taken into custody, or in the alternative, if it is obvious to a physician at the facility that such person is in need of involuntary emergency hospitalization he shall do all things necessary to bring about compliance with RSA 135-B:20.

135-B:22 Notice.

I. After being taken to the receiving facility, any person sought to be admitted for involuntary emergency hospitalization shall be given immediate notice by the facility administrator or his designee in simple language he may understand, and written notice within 12 hours, of the following rights:

- (a) The right to be represented by legal counsel;
- (b) The right to have legal counsel appointed for him if he is indigent;
- (c) The right to apply for admission on a voluntary basis;
- (d) The right to consult with legal counsel prior to a change in admission status;
- (e) That involuntary emergency hospitalization cannot exceed a period of 10 days unless the period is extended pursuant to RSA 135-B:24.

(f) That no treatment shall be administered during involuntary emergency hospitalization unless he makes an informed decision, as defined in RSA 135-B:2, XI, to consent to treatment, or unless a medical or psychiatric emergency exists, in accordance with RSA 135:21-b.

135-B:23 Involuntary Emergency Hospitalization Hearing.

I. Within 3 days after a person's involuntary emergency hospitalization, not including Sundays and holidays, and subject to the notice requirements of RSA 135-B:22, there shall be a hearing in the district court having jurisdiction to determine if there is probable cause for involuntary emergency hospitalization. The burden shall be on the petitioner to show that probable cause exists. The court shall render its decision in writing as soon as possible after the close of the hearing, but in no case later than the end of the court's next regular business day.

II. The person sought to be hospitalized or the petitioner may request a continuance of the probable cause hearing required by this section. Such requests shall be granted only for good cause but in

no case shall continuance be granted for more than 2 days. Any continuances granted for good cause shall not extend the 10 day period of involuntary emergency hospitalization.

III. The person sought to be hospitalized may, in writing, waive the probable cause hearing required under this section. Such waiver shall state that the person sought to be hospitalized has made an informed decision to waive the probable cause hearing and understands that such a waiver shall result in his hospitalization on an emergency basis for a period not to exceed 10 days, except as specified in RSA 135-B:24. Such waiver shall be executed before a justice of any district or municipal court. If the person sought to be hospitalized is found by the court to be incapable of making an informed decision to waive probable cause, then such waiver may be executed by that person's attorney and representative subject to the review of the court.

IV. For 48 hours prior to the hearing the person sought to be hospitalized shall not be given medication or treatment that would adversely affect his judgment or limit his ability to prepare for the hearing unless the person sought to be hospitalized makes an informed decision to consent to treatment or unless a medical or psychiatric emergency exists. In the event medication is given to the person sought to be hospitalized prior to the probable cause hearing, it shall be the affirmative obligation of the physician prescribing such medication to advise the district court of what medication was given, the reason for such medication and its probable effect upon the person sought to be hospitalized. Such notice may be transmitted to the court in writing prior to the hearing or may be presented by the physician at the hearing.

V. For proceedings to determine probable cause brought under this section, jurisdiction shall reside in the district court in the city or town where the person is hospitalized or received for the purpose of involuntary emergency hospitalization. In all proceedings brought under this section, upon the request of the person sought to be hospitalized or that person's attorney, a change of venue or transfer may be granted for good cause shown.

VI. If a receiving facility having custody of an individual pursuant to RSA 135-B:19-25 is not designated for all purposes under RSA 135-B:2, XVII, that facility shall immediately notify New Hampshire hospital of the need to transfer the hospitalized individual to New Hampshire hospital for any remaining period of involuntary emergency hospitalization for which the receiving facility has not been designated. New Hampshire hospital shall arrange transportation of the hospitalized individual within 24 hours of such notice and shall receive such individual for the remaining period of involuntary emergency hospitalization under RSA 135-B:19-25.

135-B:24 Ten Day Limitation; Petition for Involuntary Admission.

I. No person shall be hospitalized pursuant to the provision of RSA 135-B:19-25 for longer than a 10 day period, unless a

petition requesting a judicial hearing on the issue of involuntary admission has been filed with the appropriate probate court within the involuntary emergency hospitalization period.

II. Any persons hospitalized pursuant to this subdivision shall, in addition to the examination given by the certifying physician, have a second examination at the receiving facility in accordance with rules adopted under RSA 541-A by the division of mental health.

135-B:25 Discharge and Voluntary Admission.

I. At any time during the period of involuntary emergency hospitalization the administrator of the receiving facility or his designee in such facility shall discharge the person so hospitalized if the administrator decides that the person so hospitalized no longer meets the criterion established by RSA 135-B:19. In the event of discharge pursuant to this section or pursuant to a finding of no probable cause by the court, the division of mental health shall be responsible for returning the hospitalized individual to the place where he resided at the time the petition and physician's certificate were completed and signed, and upon notice from the receiving facility, the division shall either arrange the transportation within 24 hours of such notice or shall be liable for cost of such transportation.

II. At any time during the period of involuntary emergency hospitalization, the person so hospitalized may seek admission on a voluntary basis under the criterion established by RSA 135-B:9-18.

11 Emergency Treatment. Amend RSA 135:21-b as inserted by 1975, 219:1 by striking out said section and inserting in place thereof the following:

135:21-b Emergency Treatment. A physician licensed in the state or a person acting under his direction may administer a recognized and approved form of medical or psychiatric treatment which said physician reasonably believes will tend to promote the physical and mental health of a patient at the New Hampshire hospital, Laconia state school and training center, any community mental health or mental retardation program or treatment facility receiving state grants under RSA 126-B or RSA 171-A, or any other treatment facility designated as a receiving facility under RSA 135-B, when:

I. The physician reasonably believes that a medical or psychiatric emergency exists; and

II. The patient by reason of mental retardation or mental illness is unable to understand the need for such treatment; and

III. No person who is legally responsible for the patient can be consulted or appointed; and

IV. A reasonable person would consent to the administration of the emergency treatment.

12 Costs. All costs incurred pursuant to this act shall be borne by the division of mental health, department of health and welfare.

13 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.
Ordered to third reading.

REFCESS

COMMITTEE REPORTS (cont.)

HB 854, allowing municipal employers to pay their group I employees' contributions to the New Hampshire retirement system. Ought to Pass with Amendment.

This legislation is enabling and as amended includes all of Group I. Municipalities are empowered to pay employee contributions to the retirement system. Vote was 12 - 1. Rep. Maura Carroll for Executive Departments and Administration.

Amendment

Amend RSA 100-A:16, VI as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VI. Any city or town may assume payment of its group I member contributions to the member annuity savings fund of the New Hampshire retirement system, as provided in paragraph I (a).

Amendment adopted.

Rep. Ward moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, spoke to her motion and yielded to questions.

Rep. Hoar requested a quorum count.
The Speaker declared a quorum present.

Rep. Townsend spoke against the motion.
Rep. Scamman spoke in favor of the motion.

Reps. Carroll and Wiggins spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YFAS 198 NAYS 104
YFAS 198

BELKNAP: Birch, Bordeaux, French, Hanson, Lawton, Morin, Randall and Sanders.

CARROLL: Chase, Heath, Howard, Kenneth MacDonald and Towle.

CHESHIRE: Baybutt, Crane, Ernst, Galloway, Kohl, Miller, Moore, O'Connor, Proctor, Scranton and Jean White.

COOS: Burns, Chappell, Fortier, Horton, Richardson, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, George Cate, Christy, Foster, LaMott, Logan, Low, Lownes, Mann, McAvoy, McIver, Rounds, Seely, Snell, Taffe, Thomson, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Ainley, Archambault, Baker, Wilfrid Boisvert, Bosse, Carswell, Compagna, Corser, Joseph Cote, Coutermarsh, Craig, Donovan, Raymond Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Hall, Head, Heald, Howard

Humphrey, Thomas Hynes, Jamrog, Karnis, Keefe, Lamv, Levesque, Lyons, Marcoux, Mazur, McLaughlin, Morgan, Murray, Naro, Odell, Perkins, Podles, Polak, David Ramsay, Record, Reidy, Paul Riley, Sallada, Silva, Edward Smith, Leonard Smith, Stylianos, Thibeault, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Allgeyer, Ayres, Bellerose, Bibbo, John Cate, Milton Cate, Clements, Colby, Daniell, Holliday, James Humphrey, Kidder, LaBranche, Locke, Nichols, Paire, Randlett, Shepard, Gerald Smith, Stockman, Rick Trombly, Waters and Wiviott.

ROCKINGHAM: Appel, Benton, Bisbee, Blake, William Boucher, Butler, Cahill, Marilyn Campbell, Patricia Cote, Robert Day, Ellyson, Felch, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Griffin, Hartford, Jackson, Jones, Kashulines, Roger King, LoFranco, Lovejoy, McEachern, Norman Myers, Nelson, Newell, Parolise, Parr, Peterson, Pevear, Reese, Rogers, Scamman, Schmidtchen, Schwaner, Stickev, Stimmell, Sytek, Tavitian, Tufts, Vlack, Warburton, Helen Wilson, Wolfson and Woodman.

STRAFFORD: Cannev, Ronald Chagnon, Farnham, Gosselin, Pine, Prav, Preston, Robinson and Tripp.

SULLIVAN: Brodeur, Burrows, D'Amante, Domini, Palmer, Spaulding and Wiggins.

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BELKNAP: Beard, Bowler, Gary Dionne, Hildreth, Mansfield and Matheson.

CARROLL: Roderick Allen and Kenneth Smith.

CHESHIRE: Jesse Davis, Daniel Eaton, Eisengrein, Johnson, Matson, Margaret Ramsay, William Riley, Russell and Vrakatisis.

COOS: Brungot, Bradley Haynes, Mavhew and Theriault.

GRAFTON: Buckman, Copenhagen, Crorv, Dearborn and Pepitone.

HILLSBOROUGH: Auhut, Boyer, Burkush, Corey, L. Penny Dion, Beverly Dupont, Guidi, Hardy, Hendrick, Lefebvre, Milton Meyers, Morrison, Mulligan, Pappas, Pastor, Peters, Plomaritis, Proulx, Peter Ramsey, Roy, Soucy, Francis Sullivan, James Sullivan, Rock Tremblay, Vachon, Wallace, Welch and Zajdel.

MERRIMACK: Blakeney, Carroll, Fpstein, Mitchell, O'Neill, Packard, Plourde, Selway, Stio, Stokes, Trachy, Underwood and Ernest Valliere.

ROCKINGHAM: Aeschliman, Blanchette, Collins, Dunfey, Flanagan, Hoar, Kane, Keenan, Kozacka, Krasker, Landry, Laycock, Newman, Pantelakos, Pucci, Quimbv, Skinner, Freda Smith, Splaine, Vartanian and Wojnowski.

STRAFFORD: DeNafio, Gauvin, Hebert, Lessard, McManus, Morrisette, Nadeau, Dennis Ramsey, Sackett, Donald Smith, Valley, Vaughan and Whitehead.

SULLIVAN: David Campbell, Townsend and Williamson, and the motion was adopted.

Question being on the substituted committee report, Inexpedient to Legislate. Resolution adopted.

The Speaker called for the Special Order.

HB 668, establishing a coastal resources management program. Ought to Pass with Amendment.

These changes and amendments to HB 668 are in response to specific concerns raised in legislative hearings conducted in Concord, April 5, 1979 and in Rye, April 17, 1979. They include:

1. The make-up and size of the coastal resources management council. The council has been expanded to 24 members and includes a representative from each of the 17 coastal zone communities, a representative from the New Hampshire House, a state senator, a supervisor from the Strafford-Rockingham Conservation Districts, a representative from the Strafford-Rockingham Regional Council, a marine biologist, a representative of marine industry or commerce, and the director of state planning (771-B:4). This assures that the program will be managed primarily by the towns involved.
 2. Legislatively mandated duties of council and state planning agency reduced. For example on page 11, 771-B:5, VII was removed which eliminated the council duty to provide report extending program authority into secondary zone. In addition, state planning agency no longer mandated to conduct certain studies including a report to establish a centralized state development approval procedure (page 12, 771-B:6, VII).
 3. The length of the legislations. The legislation has been reduced in length by removing certain items that were unnecessary (the lists of capability maps - pages 15-16, 771-B:8) or created confusion such as the enumeration of uses of lowest priority in each of the categories of areas of particular concern. The council has been charged to specify uses of lowest priority.
 4. Wording that may have been misleading about the authority of the council has been clarified. For example, on page 20, 771-B:9, III, the wording was modified to indicate that council review of major developments occurred, but only upon appeal. Other such changes were made on page 29, 771-B:10, VII; and page 34, 771-B:14, I.
 5. Removal of criminal penalty - page 37, 771-B:17.
- Other minor word changes and corrections of typographical errors were made throughout the legislation. In several instances the term "the state planning agency" was removed when it was clearly

"inappropriate or was in fact intended to read "the council". Together these amendments make it clear that the program is a coastal one, controlled by the member towns. Rep. Elizabeth A. Greene for Environment and Agriculture.

Amendment

Amend RSA 271-B:1, I and V as inserted by section I of the bill by striking out said paragraphs and inserting in place thereof the following:

I. The coastal area represents an asset of great present and potential value to the state, and there is a state interest in the effective management, beneficial use, protection and development of the coastal area. The full realization of the value of the state's coastal resources can be achieved only by encouraging further development in suitable areas and by protecting those areas unsuited to development.

V. It shall be the continuing responsibility of state, substate regional and local governments and agencies:

(a) To preserve, protect, develop, and where possible, restore or enhance the resources of the New Hampshire coastal area for this and succeeding generations;

(b) To achieve a wise and balanced use of land and water resources of the coastal area, giving full consideration to ecological, cultural, historic and aesthetic values, and to needs for social and economic development, and to the national interest and national defense;

(c) To integrate public policy relative to the coastal area into a coordinated and managed program for its preservation and development, and to ensure that the public sector and local, substate regional, state and federal agencies are full participants in coastal area planning and management on a continuing basis;

(d) To conduct, sponsor or assist research in coastal matters to improve the data base on which coastal land and water use decisions are made.

Amend RSA 271-B:2, XX as inserted by section I of the bill by striking out said paragraph and inserting in place thereof the following:

XX. "Uses of greater than local concern" means land and water uses which provide services or other benefits to citizens of more than one county and, if developed, would be owned, operated, and maintained by a person regulated by the state public utilities commission or owned, operated, and maintained by any government agency.

Amend RSA 271-B:3, I (e) as inserted by section I of the bill by striking out said subparagraph and inserting in place thereof the following:

(e) Subdivision of a parcel of land into two or more parts. "Development" does not mean the construction, erection, or

demolition of or addition to any structure accessory to an existing residential structure.

Amend RSA 271-B:4, II, III and IV as inserted by section I of the bill by striking out said paragraphs and inserting in place thereof the following:

II. The council shall be composed of the following 24 voting members:

(a) The director of the state planning agency, who shall serve ex officio and coterminous with his directorship, or his designee.

(b) An individual qualified, experienced and representing marine industry or marine commerce, to be appointed by the governor and executive council for a 3 year term; provided that the initial appointment shall be for a one year term.

(c) A supervisor of the conservation district of Rockingham county or Strafford county, as established pursuant to RSA 430-B. Said supervisor shall be appointed by the governor and executive council for a 3 year term.

(d) A marine biologist shall be appointed by the governor and executive council for a 3 year term, provided that the initial appointment shall be for a 2 year term.

(e) A commissioner of the Strafford - Rockingham regional council appointed by the governor and executive council for a 3 year term.

(f) One state representative to represent statewide interests appointed by the speaker of the house for a 2 year term.

(g) One state senator to present statewide interest appointed by the president of the senate for a 2 year term.

(h) 17 individuals, each an elected or appointed municipal official of a different coastal zone municipality representing municipal government. Each of said officials shall be appointed by the governor and executive council for a 3 year term; provided that the initial appointment of 5 of said officials shall be for one year, 6 of said officials for 2 years, and 6 of said officials for 3 years.

III. Terms of appointment pursuant to RSA 271-B:4, II (b), (c), (d), and (h) shall commence on April 15 of the appropriate year. Terms of appointment pursuant to RSA 271-B:4, II (f) and (g) shall commence on the first Wednesday of December of even numbered years. For the purpose of all initial appointments hereinabove, the interim period from the effective date of this chapter to the respective commencement dates shall be added to each first such term of appointment.

IV. Individuals appointed to the council pursuant to RSA 271-B:4, II (b) through (h) inclusive may be reappointed to successive terms if still eligible.

Individuals appointed pursuant to RSA B:4, II (c), (e) and (h) may remain as voting members of the council until their current term expires should their membership on a county conservation district, the Strafford - Rockingham regional council or service as a municipal official cease.

Amend RSA 271-B:5, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Meet no less frequently than once a month, and shall make every reasonable effort to do so at a location in the coastal zone. Any other meeting may be held at any time and place as agreed upon by the council, or upon the call of the chairman or any 9 members. Thirteen members shall constitute a quorum. A majority vote of those present shall be required for any action by the council.

Amend the bill by striking out RSA 271-B:6, VII as inserted by section 1 of the bill.

Amend the bill by striking out RSA 271-B:6, IV, V, VI, and VII as inserted by section 1 of the bill.

Amend RSA 271-B:7, IV as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

IV. Within 6 months following the effective date of this chapter, and pursuant to the provisions of RSA 271-B:15, the council shall promulgate maps which delineate the boundary between the primary zone and secondary zone as defined in RSA 271-B:7 II (a) and (b). Such delineation shall be sufficient to reasonably demonstrate whether the holdings of a property owner, or portions thereof, lie within the primary zone. The council shall furnish each municipality which contains any primary zone area a copy of the relevant portion of such boundary maps. Upon promulgation of said maps, the boundary as so delineated shall govern in any matter regarding said boundary.

Amend RSA 271-B:8, I and II as inserted by section 1 of the bill by striking out said paragraphs and inserting in place thereof the following:

I. Resource maps including land use capability, water use capability, and shellfish concentration areas produced by and under the direction of the state planning agency as part of the development of the program, shall be utilized as guidelines by each coastal zone municipality in the performance of its duties under this chapter.

II. The primary zone boundary maps promulgated by the council pursuant to RSA 271-B:7, IV, for each coastal zone municipality shall be included in the municipal coastal plan and program for said municipality upon their promulgation.

Amend the introductory paragraph of RSA 271-B:8, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. The land use capability classifications shown on the land use capability maps prepared pursuant to RSA

271-B:8, I shall denote the combined natural capabilities of slope, soils, and surface water drainage to support certain intensities of development. The character of development activity generally associated with each capability classification shall be:

Amend the introductory paragraph of RSA 271-B:8, V as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

V. The water use capability classifications shown on the water use capability maps prepared pursuant to RSA 271-B:8, I shall denote the combined natural capabilities of water based upon presence or proximity to valuable marine and estuarine resources, existing uses, existing adjacent land uses and natural capability, natural and man-made obstructions, and existing or potential water quality. Such classifications shall indicate the capabilities of the water column to support certain intensities of development. The character of development activity generally associated with each capability classification shall be:

Amend the introductory paragraph of RSA 271-B:8, VI as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VI. The council pursuant to the provisions of RSA 271-B:15, shall correct and periodically update as necessary any map previously enumerated to eliminate any conflict;

Amend RSA 271-B:8, VIII as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

VIII. At such time when areas of particular concern maps are promulgated according to the provisions of RSA 271-B:10, III, said maps shall, upon the effective date of promulgation of such maps, be included in the municipal coastal plan and program of each coastal zone municipality as provided by RSA 271-B:10, IV.

Amend the introductory paragraph of RSA 271-B:9, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. Only upon appeal in accordance with RSA 271-B:16, V, the council shall review and approve, disapprove, or approve with conditions, pursuant to management standards, procedures, requirements and criteria adopted within 6 months following the effective date of this chapter in accordance with RSA 271-B:15, any development proposal listed herein below which has received municipal and state approval, if needed, including municipal approval as a variance, as may be necessary to minimize or eliminate the impacts listed in RSA 271-B:9, II. Proposals subject to his review shall include:

Amend RSA 271-B:9, III (b) as inserted by section 1 of the bill by striking out said subparagraph and inserting in place thereof the following:

(b) Non-residential development proposing the use of 300 feet or more of the shoreline of coastal waters, or 50,000 or more square feet of enclosed floor space, or 150,000 or more square feet of land area, and located in whole or in part within the primary zone.

Amend RSA 271-B:10, I and II as inserted by section 1 of the bill by striking out said paragraphs and inserting in place thereof the following:

I. The general court hereby finds and declares that there is an important state interest in the preservation, conservation, orderly development and wise use of particular geographic areas, natural and man-made, located in whole or in part within the primary zone, because they are areas possessing one or more of the following characteristics: unique, scarce, fragile, or vulnerable natural habitat or physical feature; or historical or cultural importance; or high natural productivity, or essential habitat for living resources; or scenic importance; or recreational value and opportunity of greater than local concern; or development and facilities therein dependent upon the utilization of or access to coastal waters; or unique geological or topographical significance to industrial or commercial development; or urban concentration where shoreline utilization and water uses are highly competitive; or significant hazard, if developed, due to storms, mud slides, floods, erosion, or settlement; or needed to protect, maintain, or replenish coastal lands or resources, including coastal floodplains, aquifer recharge areas, sand dunes, rocky shores, beaches, and offshore sand and gravel deposits.

II. The following categories of geographic areas of particular concern shall be subject to mapping and management standards promulgated by the council in accordance with RSA 271-B:10, III and VI respectively. Within 6 months of the effective date of this act, the council shall specify uses of lowest priority for each category.

(a) "Access points," means areas which provide public access to a coastal water.

(b) "Aquifer recharge areas," means land surface areas through which water from precipitation or streams enters a groundwater system.

(c) "Areas of cultural and historical significance," means districts, areas, buildings, structures, or objects which are archeologically, culturally, architecturally, historically, or educationally significant to the citizens of New Hampshire or the nation, including properties which are listed in the national register of historic places or on the state historic inventory, or both, as well as any properties which are included in a locally adopted historic district.

(d) "Areas of scenic importance," means land or water areas having significant aesthetic value.

(e) "Areas where development is dependent upon utilization of, and access to, coastal waters," means areas which provide direct access to and utilization of a coastal water for one or more land or water development uses and do not conflict with areas of cultural and historical significance, areas of scenic importance, beaches and sand dunes, other unusual natural areas, and tidal wetlands as defined herein.

(f) "Beaches and sand dunes," of which "beaches" means the zone of unconsolidated material extending landward from the mean low water mark to the place where there is a change in material or physiographic form as, for example, and without limitation, the line of permanent vegetation, a sand dune, or a sea cliff, and "sand dunes" means one or more unconsolidated hills or ridges of sand situated landward of the mean high water mark, and which are shaped and affected by wind or storm water activities or both.

(g) "Fish spawning or concentration areas," means areas in coastal waters in which one or more species of fish regularly aggregate or school to spawn or feed, or through which one or more species of fish regularly migrate to include species of anadromous fish throughout their migration within the coastal zone.

(h) "Floodplains," means land areas adjoining any tidal, estuarine or oceanic body of water, and which have a one percent chance of being inundated by water, as determined from the best available data from the National Flood Insurance Administration, United States Department of Housing and Urban Development; Army Corps of Engineers, United States Department of Defense, Geological Survey, United States Department of the Interior; or Soil Conservation Service, United States Department of Agriculture.

(i) "On or offshore sand and gravel deposits," means areas on or under land or the ocean floor where a sand and gravel deposit occurs.

(j) "Other unusual natural areas," means areas, the uniqueness or character of which set them apart from the existing categories set forth in this section, including, but not limited to, waterfowl migratory or nesting areas, or areas where conditions are particularly suited for the growth of certain species of trees or other vegetation.

(k) "Prime agricultural land," means a land area used, or with the potential for use, for the production of food or fiber, and which has certain characteristics of soil quality, acidity, and moisture supply as determined by the National Cooperative Soil Survey. Additional land in agricultural use may be subject to mapping and management standards if it is adjacent to an integral part of the use of the prime agricultural land.

(l) "Rocky shores," means shore formations of a rock substrate which are sprayed, washed, or submerged by tidal waters, extending seaward to a depth of 60

feet, including but not limited to a headland, rocky ledge, an outcropping, or a glacial erratic.

(m) "Shellfish and lobster concentration areas," means areas in coastal waters in which one or more species of shellfish or lobster aggregate, or both.

(n) "Tidal wetlands," means areas which border on tidal waters, such as, but not limited to banks, bogs, saltmarshes, swamps, meadows, mudflats or other lowlands, and which are subject to tidal action (including areas now or formerly connected to tidal water), the surface of each of which is at an elevation not exceeding 3-1/2 feet above the local mean high water mark and upon which grows or is capable of growing one or more of the plant species or families of saltmeadow grass (*Spartina patens*), spike grass (*Distichlis spicata*), black grass (*Juncus gerardi*), saltmarsh grass also known as cord-grass (*Spartina alterniflora*), saltworts (*Salicornia* spp.), sea lavender (*Limonium carolinianum*), saltmarsh bulrushes (*Scirpus maritimus*, var. *fernaldii* and *Scirpus paludosus* var. *atlanticus*), sand spurrey (*Spergularia marina* and *Spergularia canadensis*), high-tide bush (*Iva frutescens*), spike rush (*Eleocharis parvula* and *Eleocharis halophila*), chairmaker's rush (*Scirpus americana*), bent grass (*Argostis palustris*), coasthite (*Suaeda* spp.), orach (*Atriplex patula*), arrow-grass (*Triglochin maritima*), and seaside goldenrod (*Solidago sempervirens*). The presence of tidal marsh soils as determined by the National Cooperative Soil Survey shall be determinative of the geographical extent of a tidal wetland.

(o) "Water supply sources," means surface water areas, to include adjacent watershed, and groundwater areas presently used as a public source of potable water and those areas identified in comprehensive plans and any water resources plans adopted by a municipality or appropriate state agency as a future source of potable water for public use.

Amend RSA 271-B:10, VI (c) as inserted by section 1 of the bill by striking out said subparagraph and inserting in place thereof the following:

(c) Not permit any use of lowest priority as specified by the council in RSA 271-B:10, II.

Amend RSA 271-B:10, VII as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

VII. Only upon appeal in accordance with RSA 271-B:16, V and RSA 271-B:10, VI the council shall review and approve, disapprove, or approve with conditions, any decision made by a state, substate, regional, or municipal unit of government or agency to permit a development proposal or activity which is located in whole or in part within an area of particular concern under the jurisdiction of the program, as specified in RSA 271-B:10, II, and mapped according to RSA 271-B:10, III.

Amend RSA 271-B:11, II (a) as inserted by section 1 of the bill by striking out said subparagraph and inserting in place thereof the following:

(a) Maps included under RSA 271-B:8, I and III; and

Amend RSA 271-B:13, III as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

III. The council and the state planning agency are hereby authorized to call upon any state agency and coastal zone municipal government for whatever information or assistance they deem necessary to perform their duties and responsibilities as required by this chapter.

Amend RSA 271-B:14, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Any eligible person aggrieved by a decision of a state, substate regional, or municipal government that excludes or restricts any proposed land or water use in the coastal zone which is of greater than local concern as defined in RSA 271-B:2, XX may appeal to the council in accordance with RSA 271-B:16, I or V alleging that such decision arbitrarily excludes or restricts such a proposed use.

Amend RSA 271-B:14, II (c) as inserted by section 1 of the bill by renumbering said subparagraph to read as follows:

III.

Amend RSA 271-B:14, III as inserted by section 1 of the bill by renumbering said paragraph to read as follows:

IV.

Amend RSA 271-B:16, III and IV as inserted by section 1 of the bill by striking out said paragraphs and inserting in place thereof the following:

III. Any decision by the council regarding a rehearing or motion for a rehearing, as set forth in RSA 541:5, shall be in writing.

IV. Notwithstanding RSA 271-B:16, I, any person having an interest in land affected by any management standard adopted pursuant to this chapter, may within 90 days after promulgation thereof petition the superior court for the county in which the said land is located to determine whether such standard exceeds the limit of the police power, and constitutes taking without compensation. The burden of proof shall be upon the petitioner. If the court finds the order to be an unreasonable exercise of the police power, the court shall enter a finding that such order shall not apply to the land of the petitioner; provided, however, that such findings shall not affect any land other than that of the petitioner. The council shall cause a copy of such

finding to be recorded within 10 days from the date of the findings in the proper registry of deeds.

Amend RSA 271-B:17 as inserted by section 1 of the bill by striking out paragraph I and renumbering paragraphs II, III and IV to read as follows:

I. , II. ,
and III. , respectively.

Amendment adopted.

Rep. Newman moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Greene, Hartford and Blakeney spoke against the motion and yielded to questions.

Reps. Peterson, Woodman, Pantelakos, and Wolfson spoke in favor of the motion.

Rep. Pevear spoke against the motion.

A quorum count was requested.

The Speaker declared a quorum present.

Rep. Joseph Cote and Vaughan spoke in favor of the motion and yielded to questions.

Reps. Valley and Schreier spoke against the motion.

Reps. Felch, Joseph Flynn, Farnham, Wiggins and Scamman spoke in favor of the motion.

Rep. Chambers spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 163 NAYS 142

YEAS 163

BELKNAP: Lawton and Mansfield.

CARROLL: Roderick Allen, Chase, Heath, Howard, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Crane, Daniel Eaton, Eisengrein, Ernst, Galloway, Johnson, Kohl, O'Connor, Vrakatis and Jean White.

COOS: Brungot, Burns, Chappell, Horton, Richardson, Theriault, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Christy, Foster, Low, Lownes, Mann, McAvoy, McIver, Pepitone, Seely, Snell, Thomson, Walter and Andrew Ware.

HILLSBOROUGH: Aubut, Baker, Wilfrid Boisvert, Brack, Carswell, Joseph Cote, Coutermarsh, Craig, L. Pennv Dion, Donovan, Beverly Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Gelinas, Granger, Sal Grasso, Healy, Karnis, Keefe, Levesque, Lyons, Mazur, McLaughlin, Milton Meyers, Morgan, Murray, Naro, Odell, Aime Paradis, Perkins, Plomaritis, Podles, Polak, David Ramsay, Reidy, Paul Rilev, Sallada, Edward Smith, Stylianos, Francis Sullivan, Thibeault, Rock Tremblay, Vachon, Wallace, Eliot Ware, Kenneth Wheeler, Robert Wheeler and James J. White.

MERRIMACK: Allgever, Avles, Bibbo, Milton Cate, Clements, Hill, LaBranche, Locke, Nichols, Paire, Plourde, Randlett, Doris Rilev, Shepard, Gerald Smith and Stockman.

ROCKINGHAM: Benton, Bisbee, Blake, Cahill, Patricia Cote, Ellvson, Felch, Joseph Flynn, Beverly Gage, Griffin, Kashulines, Keenan, Roger King, Landry, Lavcock, LoFranco, Lovejoy, McEachern, Nelson, Newell, Newman, Pantelkos, Parolise, Peterson, Scamman, Schmidtchen, Skinner, Freda Smith, Splaine, Stimmell, Tavitian, Tufts, Warburton, Helen Wilson, Wolfson and Woodman.

STRAFFORD: Cannev, Farnham, Cosselin, Hebert, Joos, Nadeau, Prav, Dennis Ramsey and Vaughan.

SULLIVAN: Brodeur, Burrows, David Campbell, D'Amante, Domini, LeBrun, Souding and Wiggins.

NAVS 142

BELKNAP: Beard, Birch, Bordeaux, Bowler, Gary Dionne, French, Hanson, Wildreth, Matheson, Morin and Randall.

CARROLL: Dickinson.

CHESHIRE: Jesse Davis, Ladd, Matson, Miller, Moore, Proctor, Margaret Ramsay, William Rilev and Russell.

COOS: Fortier, Guay, Bradley Haynes, Mayhew and Alcide Valliere.

GRAFTON: George Cate, Chambers, Copenhaver, Crory, Dearborn, Michael King, Logan, Rounds, Taffe and Ward.

HILLSBOROUGH: Ainlev, Archambault, Boyer, Burkush, Compagna, Corey, Corser, Raymond Dupont, Nancy Gagnon, Hall, Heald, Hendrick, Thomas Hynes, Jamrog, Lamy, Lefebvre, Morrison, Mulligan, Pappas, Pastor, Peters, Proulx, Roy, Silva, Leonard Smith, Soucy, James Sullivan, Van Loon, Wallin, Weaver, Welch, Emma Wheeler, M. Arnold Wight and Zajdel.

MERRIMACK: Bellerose, Blakeney, Rodi, Carroll, John Cate, Daniell, Epstein, Holliday, Kidder, McLane, Mitchell, O'Neill, Selway, Stio, Stokes, Trachy, Rick Trombly, Underwood, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Blanchette, William Boucher, Butler, Marilyn Campbell, Collins, Robert Day, Dunfev, Flanagan, Carl Gage, Gibbons, Gould, Greene, Hartford, Hoar, Jackson, Jones, Kozacka, Krasker, Leslie, Norman Myers, Parr, Pevear, Quimby, Reese, Rogers, Schwaner, Stickney, Sytek, Vlack and Wojnowski.

STRAFFORD: Burchell, DeNafio, Gauvin, Dianne Herche, James Herche, Lessard, McManus, Morrisette, Pine, Preston, Robinson, Schreiber, Donald Smith, Tripp, Valley and Whitehead.

SULLIVAN: Sim Gray, Townsend and Williamson, and the motion was adopted.

Rep. Joseph MacDonald notified the Clerk that he wished to be recorded against HB 668.

Question being on the adoption of the substituted committee report, Inexpedient to Legislate.

Resolution adopted.

Rep. Helen Wilson moved that HB 831, concerning delinquency, child protection and children in need of services, be removed from the table, and spoke to her motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YFAS 181 NAYS 120

YFAS 181

BEUKNAP: Beard, Birch, Bordeau, Bowler, Garv Dionne, French, Hanson, Hildreth, Mansfield, Matheson, Randall and Sanders.

CARROLL: Roderick Allen, Chase, Dickinson, Howard and Kenneth Smith.

CHESHIRE: Baybutt, Jesse Davis, Daniel Eaton, Kohl, Ladd, Proctor, Margaret Ramsay, William Riley, Russell and Vrakatitsis.

COOS: Brungot, Burns, Fortier and Bradley Haynes.

GRAFTON: Aldrich, Buckman, Chambers, Copenhaver, Crory, Dearborn, Foster, Michael King, Logan, Low, Mann, McIver, Taffe, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Ainley, Baker, Bosse, Royer, Brack, Corser, Coutermarsh, Craig, L. Penny Dion, Donovan, Beverly Dupont, Nancv Gagnon, Hall, Heald, Hendrick, Keefe, Lamy, Lyons, Milton Meyers, Morgan, Morrison, Mulligan, Murray, Naro, Pappas, Pastor, Plomaritis, Proulx, Peter Ramsey, Reidy, Sallada, Edward Smith, Leonard Smith, Soucy, Wallace, Wallin, Robert Wheeler, James J. White, M. Arnold Wight and Zaidel.

MERRIMACK: Bellerose, Blakenev, Bodi, Carroll, Milton Cate, Clements, Fpstein, Holliday, Kidder, McLane, Mitchell, Nichols, O'Neill, Paire, Plourde, Selway, Gerald Smith, Stio, Stockman, Stokes, Trachy, Rick Trombly, Underwood and Ernest Valliere.

ROCKINGHAM: Aeschliman, Appel, Benton, Blanchette, William Boucher, Butler, Cahill, Marilyn Campbell, Collins, Patricia Cote, Robert Day, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Griffin, Hartford, Jackson, Jones, Keenan, Krasker, Landry, Laycock, Leslie, Newman, Pantelakos, Parolise, Pevear, Pucci, Quimby, Reese, Rogers, Scamman, Schmidtchen, Skinner, Freda Smith, Splaine, Stickney, Stimmell, Svek, Tavitian, Tufts, Helen Wilson, Wojnowski and Woodman.

STRAFFORD: Burchell, Canney, DeNafio, Farnham, Gauvin, Gosselin, Dianne Herchek, James Herchek, Lessard, McManus, Morrisette, Nadeau, Pine, Preston, Robinson, Schreiber, Donald Smith, Valley and Vaughan.

SULLIVAN: David Campbell, Spaulding, Townsend, Wiggins and Williamson.

NAYS 120

BEUKNAP: Lawton and Morin.

CARROLL: Heath, Kenneth MacDonald and Towle.

CHESHIRE: Callahan, Crane, Eisengrein, Ernst, Johnson, Matson, Miller, Moore, O'Connor and Jean White.

COOS: Chappell, Guav, Horton, Mayhew, Richardson, Theriault, Alcide Valliere, Wiswell and York.

GRAFTON: Tra Allen, George Cate, Christy, Lowmes, McAvov, Pepitone, Rounds, Snell and Thomson.

HILLSBOROUGH: Archambault, Aubut, Wilfrid Boisvert, Burkush, Carswell, Compagna, Corey, Joseph Cote, Raymond Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Gelinas, Granger, Sal Grasso, Healy, Thomas Hynes, Jamrog, Karnis, Lefebvre, Levesque, Mazur, McLaughlin, Odell, Aime Paradis, Perkins, Podles, Polak, David Ramsay, Paul Riley, Roy, Silva, Stylianos, Francis Sullivan, James Sullivan, Thiheault, Rock Tremblay, Vachon, Van Loan, Eliot Ware, Weaver, Welch, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Allgeyer, Avles, Bibbo, John Cate, Daniell, Hill, LaBranche, Locke, Randlett, Doris Riley, Shepard and Waters.

ROCKINGHAM: Bishee, Blake, Ellyson, Flanagan, Hoar, Kashulines, Roger King, Kozacka, LoFranco, Lovejoy, McEachern, Norman Myers, Nelson, Newell, Parr, Schwaner, Vlack and Warburton.

STRAFFORD: Ronald Chagnon, Hebert, Joos, Prav, Dennis Ramsev, Tripp and Whitehead.

SULLIVAN: Brodeur, Burrows, D'Amante, Domini, Sim Grav and LeBrun, and HB 831 was removed from the table.

HB 831, concerning delinquency, child protection and children in need of services.

Question being on the substituted committee report, Refer to Committee on Health and Welfare for Interim Study.

Reps. Helen Wilson, French and Milton Cate spoke against the substituted committee report.

Reps. Thomson and Daniell spoke in favor of the substituted committee report.

Rep. Blanchette spoke against the substituted committee report and yielded to questions.

Rep. Mayhew spoke in favor of the substituted committee report and yielded to questions.

Rep. Daniell yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YFAS 119 NAYS 192
YEAS 119

BELKNAP: Birch, Lawton and Morin.

CARROLL: Heath and Towle.

CHESHIRE: Callahan, Crane, Fisengrein, Ernst, Galloway, Johnson, Matson, O'Connor, Scranton and Vrakatis.

COOS: Chappell, Fortier, Gnav, Horton, Mayhew, Richardson, Theriault, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Christy, Dearborn, Foster, Lownes, McAvoy, Pepitone, Rounds, Seely, Snell, Thomson and Andrew Ware.

HILLSBOROUGH: Archambault, Aubut, Baker, Wilfrid Boisvert, Carswell, Compagna, Joseph Cote, Raymond Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Sal Grasso, Thomas Hynes, Jamrog, Karnis, Lefebvre, Levesque, Marcoux, McLaughlin, Morgan, Naro, Odell, Aime Paradis, Perkins, Polak, David Ramsav, Paul Riley, Silva, Stylianos, Francis Sullivan, Thiheault, Rock Tremblay, Wallace, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler, James J. White and Zaidel.

MERRIMACK: Allgeyer, Bihbo, John Cate, Daniell, Hill, LaBranche, Locke, Randlett, Shepard, Stio, Stockman and Waters.

ROCKINGHAM: Bisbee, Blake, Ellvson, Joseph Flynn, Hoar, Lovejoy, Norman Myers, Nelson, Newell, Parolise, Parr, Peterson, Schwaner, Tavitian, Vlack, Warburton and Woodman.

STRAFFORD: Ronald Chagnon, Hebert, Joos and Pray.

SULLIVAN: Brodeur, Cutting, D'Amante, Domini, LeBrun and Wiggins.

NAYS 192

BELKNAP: Beard, Bordeaux, Bowler, Gary Dionne, French, Hanson, Hildreth, Mansfield, Matheson, Randall and Sanders.

CARROLL: Roderick Allen, Chase, Dickinson, Howard, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Baybutt, Jesse Davis, Daniel Eaton, Kohl, Ladd, Miller, Moore, Proctor, Margaret Ramsay, William Riley and Russell.

COOS: Brungot, Burns, Bradley Haynes and Alcide Valliere.

GRAFTON: Chambers, Copenhaver, Crory, Michael King, Logan, Low, Mann, McIver, Taffe, Walter and Ward.

HILLSBOROUGH: Ainlev, Bosse, Boyer, Brack, Burkush, Corev, Corser, Coutermarsh, Craig, L. Penny Dion, Donovan, Beverly Dupont, Gelinas, Guidi, Hall, Heald, Healy, Hendrick, Howard Humphrey, Keefe, Lamy, Lyons, Mazur, Milton Meyers, Morrison, Mulligan, Murray, Pappas, Pastor, Peters,

Plomaritis, Podles, Proulx, Peter Ramsey, Reidy, Roy, Sallada, Edward Smith, Leonard Smith, Soucy, James Sullivan, Vachon, Van Loan, Wallin, Welch, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Avles, Bellerose, Blakeney, Bodi, Carroll, Milton Cate, Clements, Epstein, Holliday, James Humphrey, Kidder, McLane, Mitchell, Nichols, O'Neill, Packard, Paire, Plourde, Doris Riley, Selway, Gerald Smith, Stokes, Trachv, Rick Trombly, Underwood and Ernest Valliere.

ROCKINGHAM: Aeschliman, Appel, Benton, Blanchette, William Boucher, Butler, Cahill, Marilyn Campbell, Collins, Patricia Cote, Robert Day, Dunfey, Felch, Flanagan, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Griffin, Hartford, Jackson, Jones, Kashulines, Keenan, Roger King, Kozacka, Krasker, Landry, Lavcock, Leslie, LoFranco, McEachern, Newman, Pantelakos, Pevear, Pucci, Quimby, Reese, Rogers, Scamman, Schmidtchen, Skinner, Freda Smith, Splaine, Stickney, Stimmell, Sytek, Tufts, Helen Wilson and Wolfson.

STRAFFORD: Burchell, Cannev, DeNafio, Farnham, Gauvin, Gosselin, James Herchek, Lessard, McManus, Morrisette, Nadeau, Pine, Preston, Robinson, Schreiber, Donald Smith, Tripp, Vallev, Vaughan and Whitehead.

SULLIVAN: David Campbell, Sim Gray, Spaulding, Townsend and Williamson, and the substituted committee report lost.

Rep. Baybutt notified the Clerk that she inadvertently voted nay and meant to vote yea.

Rep. Kenneth Smith notified the Clerk that he wished to be recorded in favor of HB 831.

Rep. Helen Wilson moved that HB 831 be reported Ought to Pass with Amendment.

Amendment

Amend the concluding paragraph of RSA 169-B:24 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

The minor is entitled to the assistance of counsel, who shall have access to said court records, probation reports or other agency reports. If the court orders transfer to superior court, it shall provide a written statement of findings and reasons for such transfer to the minor. Cases so certified and accepted by the superior court may be disposed of by the superior court according to the laws of this state relating thereto without any limitations as to sentence or orders required by this chapter. All original papers in transferred cases shall remain in the court from which transferred and certified copies of the same shall be filed with and shall constitute the records of the court to which transfer is made. Pending disposition by the superior court, a juvenile whose case is thus transferred and accepted by the superior court may be placed under the supervision of the probation officer or required to recognize with

sufficient sureties, or in default thereof, he detained at a county jail, house of corrections or state prison to await disposition of the case in said superior court; provided, however, once a minor is certified for trial as an adult and his case is transferred to the superior court, detention at the youth development center is prohibited.

Amend RSA 169-B:35 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

169-B:35 Juvenile Records. Except as provided in RSA 169-B:24 and RSA 169-B:39, all records pertaining to cases of delinquency shall be kept at all times so that no one shall have access to the same except officers of the institution where the minor is committed, duly accredited probation officers, parent, guardian, custodian, minor's attorney, and others entrusted with the corrective treatment of said minor. Additional access may be granted by court order or upon the written consent of the minor. Once a delinquent reaches 19 years of age, all court and individual institutional records including police records shall be destroyed unless a criminal action or an action to recover payments pursuant to RSA 169-B:40 or both are pending. If either or both of such actions are pending, such records shall be destroyed when the pending action and all appeals and the time for all appeals therefrom have been completed.

Amend RSA 169-C:38 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

169-C:39 Report to Legal Authority. The bureau shall refer all cases of child abuse or neglect which cause serious bodily injury to a child to the office of the attorney general or to the office of the county attorney for possible criminal prosecution. The bureau may also report other cases of child abuse or neglect as it deems appropriate to the office of the attorney general or to the office of the county attorney for possible criminal prosecution.

Amend RSA 169-D:2, IV (c), as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(c) Has committed an offense which, if committed by an adult, would be a violation under the criminal code of this state or has violated an ordinance or by-law of a city or town or, if a minor less than 16 years of age, has committed a motor vehicle violation; and

Amend RSA 169-D:25 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

169-D:25 Records. All records pertaining to cases of children in need of services shall be kept at all times so that no one, except duly accredited probation officers, others entrusted with the

supervision of said child, the child, a parent, guardian, custodian, and the child's attorney shall have access to the same. Additional access may be granted by order or written consent of the child. Once a child in need of services reaches 18 years of age, all court and police records shall be destroyed unless an action to recover payments pursuant to RSA 169-D:29 is pending. If such an action is pending, such records shall be destroyed when such action and all appeals and the time for all appeals therefrom have been completed.

Amendment adopted.

Question being shall HB 831 be ordered to third reading.

On a voice vote, the Speaker was in doubt and requested a division.

194 having voted in the affirmative, and 111 in the negative, the motion was adopted. Ordered to third reading.

Rep. Daniell moved that HB 138, relating to liability for expenses incurred in court ordered placement of children, be removed from the table.

Adopted.

HB 138, relating to liability for expenses incurred in court ordered placement of children. Inexpedient to Legislate.

Question being on the committee report, Inexpedient to Legislate.

Rep. Daniell moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, spoke to the motion and yielded to questions.

Rep. Bosse moved that HB 138 be made a Special Order for Thursday, April 26 and spoke to his motion.

Rep. Mavhew spoke against the motion.

On a voice vote, the Speaker was in doubt and requested a Division.

119 having voted in the affirmative and 151 in the negative, the motion lost.

Question being on the motion by Rep. Daniell that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate.

Rep. Hanson spoke against the motion and yielded to questions.

Rep. Wiggins spoke in favor of the motion.

Reps. Helen Wilson and Scranton spoke against the motion.

Rep. Guay moved the previous question. Sufficiently seconded. Adopted.

Motion adopted.

Question being on the adoption of the substituted committee report.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 255 NAYS 38
YEAS 255

BELKNAP: Beard, Birch, Bowler, French, Lawton, Mansfield, Matheson, Morin, Randall and Sanders.

CARROLL: Roderick Allen, Chase, Dickinson, Howard, Kenneth MacDonald and Towle.

CHESHIRE: Callahan, Crane, Fisengrein, Ernst, Galloway, Johnson, Kohl, Ladd, Matson, Moore, O'Connor, Proctor, Russell, Vrakatisis and Jean White.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Chappell, Fortier, Guav, Bradley Haynes, Horton, Mayhew, Theriault, Alcide Valliere, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Christy, Copenhaver, Crory, Dearborn, Foster, Logan, Low, Lowmes, Mann, McAvoy, McIver, Pepitone, Rounds, Seelv, Snell, Taffe, Thomson and Walter.

HILLSBOROUGH: Ainley, Aubut, Baker, Wilfrid Boisvert, Bosse, Brack, Burkush, Carswell, Compagna, Corey, Corser, Joseph Cote, Coutermarsh, Craig, Donovan, Beverly Dupont, Joseph Eaton, Nancy Gagnon, Gelinias, Sal Grasso, Guidi, Hall, Healy, Hendrick, Howard Humphrey, Thomas Hynes, Jamrog, Karnis, Keefe, Lamy, Lefebvre, Levesque, Lvons, Marcoux, McLaughlin, Milton Meyers, Morgan, Mulligan, Murray, Naro, Odell, Aime Paradis, Podles, Polak, Proulx, Peter Ramsey, Record, Reidv, Paul Rilev, Roy, Sallada, Silva, Edward Smith, Stvlianos, Francis Sullivan, James Sullivan, Thiheault, Rock Tremblav, Vachon, Van Loan, Wallace, Wallin, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Ayles, Bellerose, Bibho, Blakeney, John Cate, Milton Cate, Clements, Daniell, Epstein, Hill, Holliday, James Humphrey, Kidder, LaBranche, Locke, McLane, Mitchell, Nichols, O'Neill, Paire, Randlett, Doris Riley, Selway, Shepard, Gerald Smith, Stockman, Stokes, Rick Trombly, Underwood, Ernest Valliere and Trombly.

ROCKINGHAM: Benton, Bisbee, Blake, Blanchette, William Boucher, Rutler, Marilyn Campbell, Collins, Robert Day, Dunfey, Felch, Flanagan, Joseph Flynn, Beverly Gage, Gibbons, Gould, Griffin, Hoar, Jackson, Jones, Kashulines, Roger King, Kozacka, Landry, Laycock, Leslie, LoFranco, Lovejoy, McEachern, Norman Myers, Nelson, Newell, Parolise, Parr, Peterson, Pevear, Pucci, Quimby, Reese, Rogers, Schmidtchen, Schwaner, Skinner, Freda Smith, Stickney, Stimmell, Svek, Tavitian, Tufts, Vartanian, Warburton, Helen Wilson, Wolfson and Woodman.

STRAFFORD: Burchell, Canney, Ronald Chagnon, DeNafio, Farnham, Gauvin, Gosselin, Hebert, James Herchek, Joos, Lessard, McManus, Nadeau, Pray, Preston, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Vaughan and Whitehead.

SULLIVAN: Brodeur, Burrows, David Campbell, Cutting, D'Amante, Domini, Sim Gray, LeBrun, Spaulding, Townsend, Wiggins and Williamson.

NAYS 38

BELKNAP: Bordeau, Garv Dionne, Hanson and Hildreth.

CARROLL: Heath.

CHESHIRE: Baybutt, Jesse Davis, Miller and Scranton.

COOS: None.

GRAFTON: Chambers, Ward and Andrew Ware.

HILLSBOROUGH: L. Penny Dion, Granger, Heald, Mazur, Morrison, Pappas, Peters, David Ramsay, Eliot Ware and M. Arnold Wight.

MERRIMACK: Carroll, Packard and Trachy.

ROCKINGHAM: Aeschliman, Appel, Patricia Cote, Ellyson, Carl Gage, Greene, Hartford, Kane, Krasker, Splaine and Vlack.

STRAFFORD: Pine and Vallev.

SULLIVAN: None, and the substituted committee report was adopted.

Ordered to third reading.

HB 870, to eliminate the practice of "double-dipping" in the state of New Hampshire. Refer to Committee on Executive Departments and Administration for Interim Study.

A very worthwhile concept, but lack of time precluded full investigation of subject and development of bill. Vote was 13 - 0. Rep. Peter Ramsey for Executive Departments and Administration.

Rep. Wilfrid Boisvert moved that the words, Ought to Pass, be substituted for the committee report, Refer to the Committee on Executive Departments and Administration for Interim Study, spoke to his motion and yielded to questions.

Reps. Carroll and Bayhutt spoke against the motion.

Rep. Ernst spoke against the motion and yielded to questions.

Motion lost.

Referred to the Committee on Executive Departments and Administration for Interim Study.

Rep. French moved that HB 580, relative to lowering the age of juveniles for criminal process purposes, and HB 809, relative to the protection of persons from domestic violence, be made Special Orders for April 26.

Adopted.

Rep. Brack moved that HB 619, imposing a mandatory minimum sentence for conviction of operating under the influence of intoxicating liquor or controlled drug with another's death resulting, be made a Special Order for April 26.

Adopted.

Rep. French moved that HB 853, relative to legal representation of social workers, be made a Special Order for April 26.

Adopted.

HB 497, providing for an occupational safety and health act for public employees. Refer to Committee on Labor, Human Resources and Rehabilitation for Interim Study.

Committee is engaged in an indepth study of safety conditions in New Hampshire public employment at this time, including enforcement of existing regulations. Vote was 12 - 0. Rep.

Calvin Warhurton for Labor, Human Resources and Rehabilitation.

Referred to the Committee on Labor, Human Resources and Rehabilitation for Interim Study.

HB 751, establishing a New Hampshire occupational safety and health program. Refer to Committee on Labor, Human Resources and Rehabilitation for Interim Study. Committee is already studying this issue and as a result, certain unsafe work conditions in the State are already showing some improvement. Study has only begun and needs time for completion. Vote was 12 - 0. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

Referred to the Committee on Labor, Human Resources for Interim Study.

HB 767, relative to the budgets for the house clerk, house majority leader and house minority leader. Inexpedient to Legislate. The Committee felt that the budget of the House Clerk, the House Majority Leader and House Minority Leader properly belonged in the Legislative Budget. This bill, if passed, would be in conflict with a number of existing statutes and House Rules. Vote was 11 - 0. Rep. Paul I. LaMott for Legislative Administration.

Rep. Rod Allen moved that HB 767 be made a Special Order for April 26.

Reps. Lyons, Parr, Benton, Walter and LaMott spoke against the motion.

Rep. Dunfey spoke in favor of the motion. Motion lost.

Rep. Rod Allen moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. LaMott spoke against the motion.

Rep. Elmer Johnson spoke in favor of the motion.

Rep. Hall requested a quorum count.

The Speaker declared a quorum present. A division was requested.

71 members having voted in the affirmative and 183 in the negative, the motion lost.

Resolution adopted.

HB 768, providing for an office of stenographic services for the house of representatives. Inexpedient to Legislate.

The administration of the House is the responsibility of the Speaker, as checked and balanced by the Legislative Facilities Committee's subcommittee of the House and the Fiscal Committee. Placing the stenographic services offices under the direction of the clerk fragments this administration and would result in inefficiency. Vote was 11 - 0. Rep. Lorine M. Walter for Legislative Administration.

Resolution adopted.

HB 803, to restructure travel allowances for members of the general court. Inexpedient to Legislate.

Research done through the Office of Legislative Services showed that this method would probably be unconstitutional and more than likely result in an expensive court challenge. Vote was 11 - 0. Rep. David L. Cosselin for Legislative Administration.

Rep. Blakeney moved that the words, Refer to Legislative Administration for Interim Study, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Cosselin and French spoke against the motion.

Motion lost.

Resolution adopted.

HB 827, relative to office space for political parties of the house of representatives. Inexpedient to Legislate.

The sponsor of this bill was not present at the hearing and there were many questions left unanswered. Vote was 11 - 0 on report and for placing on Consent Calendar. Rep. Edna Pearl F. Parr for Legislative Administration.

Resolution adopted.

HB 828, relative to the salaries of the house clerk and assistant clerk. Inexpedient to Legislate.

Number one, the bill is not compatible with statutes and authority already given to the Legislative Facilities Committee; and number two, the House Clerk testified against parts of this bill. Vote was 11 - 0. Rep. Marshall French for Legislative Administration.

Resolution adopted.

HB 837, relative to review of expenses for legislative business. Inexpedient to Legislate.

The make-up of the Committee sought to be established by this bill would not necessarily reflect the proportional party distribution of the membership of the House, as is our tradition. The bill would also result in an additional bureaucratic layer in the administration of the House which the Committee feels is unnecessary. Vote was 11 - 0. Rep. Lorine M. Walter for Legislative Administration.

Rep. Elmer Johnson spoke to the committee report and yielded to questions.

Reps. Helen Wilson and Walter spoke in favor of the committee report.

Rep. Wiggins moved the previous question. Sufficiently seconded. Adopted. Resolution adopted.

HB 860, relative to the house capital budget overview committee. Inexpedient to Legislate.

This bill is unnecessary because the Committee already exists. Vote was 11 - 0. Rep. Lorine M. Walter for Legislative Administration.

Resolution adopted.

ENROLLED BILLS REPORT

HB 155, requiring public utilities' rates to be based on a current level of services.

HB 290, relative to property tax exemptions for the blind.

Sen. Laurier Lamontagne
For the Committee

Rep. McLane, chairman of the Committee on Ways and Means, explained the monthly report of estimated revenues.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Thursday, April 26 at 9:30 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 682, relative to the appointment of a guardian ad litem in divorce proceedings.

HB 704, making retired judges of probate referees.

HB 714, relative to guardianship procedures.

HB 720, relative to responsibility for acts of vandalism by minors.

HB 738, relative to protective services to adults.

HB 741, relative to giving notice of a garage lien on personal property prior to sale.

HB 743, adopting the "Uniform Child Custody Act" and establishing the crime of unlawful custody.

HB 869, establishing the crime of retail theft.

HB 870, relative to the prohibition of juice bars and bottle clubs.

HB 836, allowing post secondary students to work for wage rates set by the labor commissioner.

HB 857, relative to the distribution of the Revised Statutes Annotated and the session laws.

HB 804, relative to interstate cooperation concerning disposal of containers and solid waste.

HCR 12, relative to the dredging and widening of the Piscataqua River.

HB 618, regulating places where massages are given and their employees.

HB 530, to provide for supplemental appraisal, assessment and taxation of real property.

HB 91, prohibiting the storage or disposal or both of radioactive waste within the state and coastal jurisdiction of the state.

HB 629, relative to property tax exemptions for woodheating energy systems.

HB 378, relative to involuntary emergency hospitalization.

HB 831, concerning delinquency, child protection and children in need of services.

HB 138, relating to liability for expenses incurred in court ordered placement of children.

RECONSIDERATION

Having voted with the prevailing side, Rep. Woodman moved that the House reconsider its action whereby it killed HB 668, establishing a coastal resources management program.

Reconsideration lost.

Rep. French moved that the House adjourn.
Adopted.

HOUSE JOURNAL 30

Thursday 26 Apr 79

The House met at 9:30 a.m.

Prayer was offered by the House
Chaplain, Rev. William L. Quirk.

Let us pray:

Our Father in heaven, we raise our
voices to You in prayer calling on You to
provide for our needs and depending on You
for Your help.

We place before You our lives and ask
that You not turn a deaf ear to our requests.

Almighty Father, we are confident that
as Your chosen people turn to You that You
will give us the strength to carry the
burdens of this day and lead us in a unity
of purpose in responding to help others.
Amen.

Rep. Cosselin led the Pledge of
Allegiance.

LEAVES OF ABSENCE

Reps. Emile Boisvert, Hunt, John Winn,
Fisher, Cotton, Gordon, Downs and Yvette
Chagnon, the day illness.

Reps. Maglaras, Keenan, Vachon, Laurent
Boucher, Nims, Lynch, Tucker, Rice,
Eisengrein, Baybutt, Paire, Kaklamanos and
Boyer, the day, important business.

Rep. Keller, the day, death in the
family.

Reps. Belak, Steiner and Cecelia Winn,
the day, illness in the family.

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the Consent
Calendar, with the relevant committee
amendments, be adopted as printed in today's
House Record.

HB 760 was removed at the request of
Rep. Seely.

HB 861 was removed at the request of
Rep. Edward Smith.

HB 808 was removed at the request of
Rep. Schmidtchen.

HBs 731, 732 and 823 were removed at the
request of Rep. Hildreth.

HB 844 was removed at the request of
Rep. Blakeney.

HB 331 was removed at the request of
Rep. Carswell.
Adopted.

HB 565, to give state banks substantial
parity with federal mutual savings banks in
branching. Inexpedient to Legislate.

Committee heard three branch banking
bills and found HB 565 Inexpedient to
Legislate as similar legislation is
covered by HB 777. Vote was 16-0. Rep.
William L. Roberts for Commerce and
Consumer Affairs.

HB 677, relative to the mandatory
breakdown of rates and charges in public
utility billing statements. Ought to Pass
with Amendment.

Committee vote was 16-0 for passage.
Bill provides that all utilities must
list all billing information on utility
bills including breakdown of rates.
Rep. David L. Gelinas for Commerce and
Consumer Affairs.

Amendment

Amend RSA 378:9-a, I as inserted by
section 1 of the bill by striking out
subparagraph (i) and renumbering the
original subparagraphs (j), (k), (l) and (m)
to read as (i), (j), (k) and (l)
, respectively.

HB 690, relative to premium finance
companies. Refer to the Committee on
Commerce and Consumer Affairs for Interim
Study.

This bill has far-reaching consequences
and needs further study. There is a
real problem in granting the finance
company the right to cancel without the
same notice as insurance companies have
to give. Vote was 16-0. Rep. Harold L.
Burns for Commerce and Consumer Affairs.

HB 811, to include public utilities in
the municipal bond bank act. Refer to the
Committee on Commerce and Consumer Affairs
for Interim Study.

The Committee wants to do some more work
on this bill. Vote was 16-0. Rep.
Catherine G. Lamy for Commerce and
Consumer Affairs.

HB 842, to include registered clinical
social workers in the category of services
authorized under minimum mental illness
coverage under major medical and non-major
medical accident and health insurance.
Ought to Pass.

Several states already include clinical
social workers in the required coverage
plans. The bill provides that benefits
under the bill shall be "paid only when
the certificate holder is referred to
the registered clinical social worker by
a licensed physician within three months
of the date on which the services are
rendered by the clinical social
workers." The Committee feels it is
only fair to give patients and doctors
the opportunity to choose where the
patient will be most comfortable in
receiving help with emotional or
adjustment problems. Vote in Committee
was 15-1. Rep. Claire Plomaritis for
Commerce and Consumer Affairs.

HB 858, to enable state-chartered banks
to compete with banks operating under
federal charter. Inexpedient to Legislate.
Committee heard three branch banking
bills and found HB 858 Inexpedient to
Legislate as similar legislation is
covered by HB 777. Vote was 16-0. Rep.
William L. Roberts for Commerce and
Consumer Affairs.

HB 181, concerning qualifications to be a candidate for public office. Inexpedient to Legislate.

HB 181 forces a candidate to resign what would become an incompatible office before he can be a candidate for the incompatible office. This would create chaos requiring special elections to fill vacancies. Unanimous vote (12-0). Rep. Margaret M. Hartford for Statutory Revision.

HB 231, relative to the reporting of political contributions and expenditures of candidates for governor's councilor. Ought to Pass.

This bill states that a candidate for Governor's Council in the primary and general election shall be considered a major candidate for the purpose of reporting political contributions and expenditures. Vote was 12-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 280, exempting moderators from the provisions of RSA 59:36-a. Inexpedient to Legislate.

The Committee has not changed its decision that no candidates for any other office except as election officials should be inside the polls on election day and particularly moderators. Vote was 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 282, prohibiting the relatives to certain candidates from working at the polls. Inexpedient to Legislate.

This bill was written because of a problem created by a moderator's error in judgment. The Committee felt there would be a problem in small towns and the bill would discriminate against relatives of candidates who may not be involved in any campaign. Vote was 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 654, relative to notice of tax sales. Ought to Pass.

This bill removes the requirement for a purchaser to notify a corporation president or treasurer when a corporation is a mortgagee of real estate sold pursuant to a tax sale. Vote was 10-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 716, concerning straight ticket voting. Inexpedient to Legislate.

This bill concerning straight ticket voting addresses removal of straight party voting. The Committee receives bills on this subject each session and was informed by counsel that to remove straight party voting would deprive a voter of choice. Vote was 10-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 747, permitting party affiliation to be changed at certain times by mail. Inexpedient to Legislate.

This bill would permit party affiliation to be changed at certain times by mail.

The Committee agreed unanimously this would create many problems. Vote was 10-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 748, requiring town clerks to accept voter registration applications. Inexpedient to Legislate.

This bill would require all town clerks to accept voter registrations. Present law allows a town to vote not to have town clerks do so. Committee feels towns should be able to make the choice. Vote was 10-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 2074, relating to the house of representatives taking action urging unrepresented districts to fill vacancies within its membership. Inexpedient to Legislate.

Inexpedient to Legislate at request of sponsor. Vote was 10-0. Rep. Natalie S. Flanagan for Statutory Revision.

Rep. Snell requested a quorum.

The Speaker declared a quorum present.

COMMITTEE REPORTS

Rep. French moved that debate be limited to one hour equally divided and yielded to questions.

Rep. Schwaner moved to amend the motion to exclude HCRs 10 and 11 and spoke to her amendment.

Rep. Healy moved to amend the motion to include that the previous question could be offered at any time.

The Speaker ruled the amendment out of order.

Question being on the Schwaner amendment.

Rep. Spirou spoke against the amendment. Amendment lost.

Question being on the French motion. Adopted.

The Speaker called for the Special Orders.

HB 759, establishing a state wild, scenic recreational rivers system.

Majority: Ought to Pass. Minority: Refer to Committee on Resources, Recreation and Development for Interim Study.

MAJORITY: The majority of the Committee feels the bill recognizes that certain segments of New Hampshire's rivers and their immediate environs have outstanding wild, scenic and recreational qualities valuable to our present and future generations. The bill establishes a process of identification and designation which affords ample opportunity to all interested citizens, public and private, at the local, county, regional and state levels, to participate in that process. Final designation in each case will be determined by legislative action. Vote was 9-7. Rep. Anne Leslie for Majority of Resources, Recreation and Development. MINORITY: Minority feels there are too many problems left unresolved which must be studied further. Reps. Lawrence J. Guay; Nancy R. Gagnon; Jane F. Sanders;

Peter M. Stio; Giles Low, II; Robert A. Compagna and Lee Anne S. Steiner for Minority of Resources, Recreation and Development.

Rep. Nancy Gagnon moved that the report of the Minority, Refer to the Committee on Resources, Recreation and Development for Interim Study, be substituted for the report of the Majority, Ought to Pass, and yielded to Rep. Schreiber.

Reps. Schreiber, Heald and Dickinson spoke in favor of the motion.

Motion adopted.

Referred to the Committee on Resources, Recreation and Development for Interim Study.

HB 580, relative to lowering the age of juveniles for criminal process purposes. Ought to Pass with Amendment.

HB 580 is a new bill, as amended. The age of juveniles remains at age 18. If a juvenile between the ages of 16 and 18 is convicted of three misdemeanors or one felony, from that point on any offenses committed would merit the juvenile being handled as an adult. The Committee felt that a juvenile committing that number of serious offenses in a two-year period deserved being handled as an adult from that point on. Committee vote was 14 - 0. Rep. Daniel A. Eaton for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to trying certain juveniles as adults.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Treatment as Adult. Amend RSA 169:21-c (supp) as inserted by 1977, 169:1 by striking out said section and inserting in place thereof the following:

169:21-c Treatment of Juvenile as Adult.

1. Any juvenile whose case has been certified to the superior court and who has been convicted as an adult by said court shall, after said conviction, be treated as an adult for all purposes in connection with any criminal offense with which said juvenile may be charged.

11. Any juvenile 16 years of age or older who is convicted of 3 misdemeanors or one felony after becoming 16 years of age shall, after said convictions or conviction, be treated as an adult for all purposes in connection with any criminal offense with which said juvenile may be charged.

2 Prior Convictions and Pending Cases. Any case pending on the effective date of this act which results in a conviction, or any conviction obtained prior to the effective date of this act shall not be counted as a conviction for the purposes of section 1 of this act.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 619, imposing a mandatory minimum sentence for conviction of operating under the influence of intoxicating liquor or controlled drug with another's death resulting. Inexpedient to Legislate.

Rep. Record moved that HB 619 be made a Special Order for 2:00 p.m.

Adopted.

HB 809, relative to the protection of persons from domestic violence. Ought to Pass with Amendment.

This bill sends a clear message to the people of New Hampshire: Spouse abuse or domestic violence by whatever name is a major problem which will no longer be tolerated. From this day forward what we condemn in society as a whole will not be overlooked simply because it occurs in a family setting. The serious problem of domestic violence will not be solved until public attitudes change. We can begin that process by demonstrating our leadership today! Vote was 15 - 0. Rep. Leigh D. Bosse for Judiciary.

Amendment

Amend the bill by striking out sections one, 2 and 3 and inserting in place thereof the following:

1 Statement of Purpose.

1. It is the public policy of this state to prevent and deter domestic violence through equal enforcement of the criminal laws and the provision of judicial relief for domestic violence victims.

11. It is the purpose of this act to preserve and protect the safety of the family unit for all family or household members by entitling victims of domestic violence to immediate and effective police protection and judicial relief. This act shall be liberally construed to the end that its purpose may be fulfilled.

2 New Chapter. Amend RSA by inserting after RSA 173-A the following new chapter:

CHAPTER 173-B

Protection of Persons From Domestic Violence

173-B:1 Definitions. As used in this chapter:

1. "Abuse" means the occurrence of one or more of the following acts between family or household members:

(a) Attempting to cause or purposely or recklessly causing bodily injury or serious bodily injury with or without a deadly weapon;

(b) Purposefully placing or attempting to place another in fear of imminent bodily injury either by physical menace or by threats to commit a crime against the person of the other;

(c) Attempting to or engaging in sexual penetration with another under any of the circumstances outlined in RSA 632-A:2.

II. "Family or Household Member" means:

(a) Spouses, ex-spouses, persons cohabitating with each other, persons who cohabitated with each other for more than one year but who no longer share the same residence, and

(b) Parents and other persons related by consanguinity or affinity other than minor children who reside with the defendant.

173-B:2 Jurisdiction. All district courts shall have concurrent jurisdiction with the superior court over all proceedings under this chapter. If the plaintiff has left the residence or household to avoid further abuse, the plaintiff shall have the option to commence proceedings pursuant to RSA 173-B:3 in the county or district where the plaintiff or defendant resides.

173-B:3 Commencement of Proceedings; Hearing.

I. Any person may seek relief pursuant to RSA 173-B:4 by filing a petition in the county or district where the plaintiff or defendant resides alleging abuse by the defendant. Notice of the pendency of the action shall be given to the defendant. No filing fee shall be charged for such a petition and the plaintiff may proceed without legal counsel. Any proceeding under this chapter shall not preclude any other available civil or criminal remedies.

II. The clerks of the superior courts and the clerks of the district courts shall supply forms for petitions for relief under this chapter designed to facilitate pro se proceedings.

III. If the defendant, upon entry of any action in the district court under this section, within 5 days of the entry thereof or such additional time as the district court may for good cause allow, files in the district court a brief statement setting forth that:

(a) There is pending in the superior court a cause arising out of the same situation on which the district court action is based, and

(b) Accompanies his brief statement with an affidavit under oath supporting the same.

IV. No further proceeding shall be had in the district court but the cause shall be at once transferred to the superior court for the county in which the district is located to be heard and tried as if originally entered in the superior court, the original entry fee and cost of transferring the action to be paid by the defendant but recoverable as costs if the defendant shall prevail. If no petition to remove is filed, the cause shall be heard by the justice or special justice in the district court and the findings of fact shall be final but questions of law may be transferred to the supreme court in the same manner as from the superior court.

V. The court shall hold a hearing within 30 days of the filing of a petition under this section.

173-B:4 Relief.

I. Upon a showing of abuse of the plaintiff by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of abuse, which relief may include:

(a) Protective orders:

(1) Directing the defendant to refrain from abusing or interfering in any way with the person or liberty of the plaintiff; or

(2) Enjoining the defendant from entering the premises wherein the plaintiff resides unless the defendant exclusively owns or leases and pays for the premises and the defendant has no legal duty to support the plaintiff;

(b) Other relief:

(1) Granting to the plaintiff the exclusive right of use and possession of the household furniture and furnishings unless the defendant exclusively owns the household furniture and furnishings and the defendant has no legal duty to support the plaintiff;

(2) Awarding temporary custody of the parties' minor children to either party, or, where appropriate to the division of welfare, provided that

(i) Where custody of the parties' minor children may be appropriate with the division of welfare, the division of welfare shall receive actual notice of the hearing 10 days prior to said hearing, provided that, if necessary, said hearing may be continued 10 days to provide the division adequate notice;

(ii) The division of welfare may move at any time to rescind their custody of the parties' minor children.

(3) Establishing temporary visitation rights with regard to the parties' minor children.

(4) Directing the defendant to pay financial support to the plaintiff or minor children unless the defendant has no legal duty to support the plaintiff or minor children;

(5) Recommending that the defendant attend counseling or such other treatment as the court may deem appropriate; or

(6) Ordering the defendant to pay the person abused monetary compensation for losses suffered as a direct result of the abuse which may include, but not be limited to, loss of earnings or support, medical expenses and out-of-pocket losses for injuries sustained, moving or shelter expenses and reasonable attorney's fees.

II. No order made under this section shall supercede or affect any court order pertaining to right to possession of household residence or household furniture, custody of children pursuant to RSA 169, support or custody made under RSA 458 or affect title to real or personal property.

III. Any order under this section shall be for a fixed period of time not to exceed one year.

IV. Both parties shall be issued written copies of any orders issued by the court and all orders shall bear the following language: "A willful violation of this order is contempt of court and may result in imprisonment."

173-B:5 Guardian Ad Litem. In all proceedings under this chapter the court may appoint a guardian ad litem to represent the interests of the children of either or both parties. Said guardian ad litem may continue to serve after the final disposition of the case.

173-B:6 Temporary Relief. Upon a showing of an immediate and present danger of abuse, the court may enter such temporary

orders as it deems necessary to protect the plaintiff with or without actual notice to defendant. If temporary orders are made ex parte, the party against whom such relief is issued may file a written request with the clerk of the court and request a hearing thereon. Such hearing shall be held no later than 5 days after the request is received by the clerk. Such hearings may constitute the final hearing described in RSA 173-B:3, III. Such temporary relief may include:

I. As a protective order, directing the defendant to refrain from abusing or interfering in any way with the person or liberty of the plaintiff;

II. As a protective order, restraining the defendant from entering the residence where the plaintiff resides except when the defendant is accompanied by a peace officer and wishes to enter for the sole purpose of retrieving his personal property; and

III. Awarding custody of the parties' minor children to either party or, where appropriate, and upon actual notice to the division of welfare.

173-B:7 Notification. A copy of any order made under this chapter which prohibits any person from abusing or interfering with the person or liberty of another or which affects either party's access to or possession of either party's residence shall be transmitted forthwith to the local law enforcement agency having jurisdiction to enforce said order. Law enforcement agencies shall establish procedures whereby a peace officer at the scene of an alleged violation of such an order may be informed of the existence and terms of such order.

173-B:8 Violation of Protective Orders. Upon notice by any person alleging that the defendant has violated any protective order issued under this chapter, the court shall issue a summons to the defendant, requiring the defendant to appear and show cause within 14 days why he should not be found in contempt of court and punished therefore.

173-B:9 Protection by Peace Officers. Whenever any peace officer has reason to believe that a family or household member has been abused, that officer shall use all means within reason to prevent further abuse.

173-B:10 Notice to Victim.

I. All peace officers shall give the victim of abuse immediate and adequate notice of his right to go to the district or superior court of his county to file a criminal or civil complaint against his attacker and to obtain a restraining order.

II. It shall be the responsibility of the clerk of the court to advise the victim to request the judge to issue an order:

(a) Restraining your attacker from abusing you;

(b) Directing your attacker to leave the household;

(c) Giving you custody of your minor children;

(d) Directing your attacker to support you and your minor children if your attacker has a legal obligation to support you; or

(e) Directing your attacker to pay you for your financial losses due to any injuries you have suffered due to the attack.

173-B:11 Emergency Care; Limitation of Liability. Any act or omission of any peace officer rendering emergency care or assistance to a victim of domestic violence, including but not limited to transportation to medical facilities, shall not impose civil liability upon the peace officer or his supervisors or employer if the care or assistance is rendered in good faith unless the act or omission is a result of gross negligence or willful misconduct.

3 Report to General Court. Amend RSA 106-B:14 as amended by striking out said section and inserting in place thereof the following:

106-B:14 Criminal Records, Reports.

I. With the approval of the commissioner of safety, the director shall make such rules and regulations as may be necessary to secure records and other information relative to persons who have been convicted of a felony or an attempt to commit a felony within the state, or who are known to be habitual criminals, or who have been placed under arrest in criminal proceedings. Such records and information shall not be open to the inspection of any person except those who may be authorized to inspect the same by the director. The clerks of the superior and municipal courts, or if there is no clerk the justice thereof, sheriffs, deputy sheriffs, police officers, jailers, and superintendents of houses of correction shall secure and forward to the director all such information as he may direct relative to persons brought before said courts or arrested or in the custody of such officers. Any person violating the provisions of this section or any rule or regulation made hereunder shall be guilty of a violation, for each offense.

II. The director shall submit an annual report to the general court relative to domestic assaults based on the records and information acquired pursuant to RSA

106-B:14, I. The report shall be a compilation of the number of assaults on family or household members and other such data as the director may deem appropriate.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Conditional Release on Bail. Amend RSA 597:6-a by inserting after paragraph IV the following new paragraph:

V. That there is not a likelihood that he will repeat the offense for which he is charged or arrested.

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Notice of Order. Amend RSA 635:7, II as inserted by 1971, 518:1 by striking out subparagraph (b) and inserting in place thereof:

(b) the person knowingly enters or remains:

(1) in any secured premises; or

(2) in any place in defiance of an order issued by a court of competent jurisdiction.

Amendment adopted.

Rep. Healy moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, spoke to his motion, and withdrew his motion.

Reps. Bosse and Wallin spoke to the committee report.

Ordered to third reading.

HB 853, relative to legal representation of social workers. Ought to Pass with Amendment.

This bill, as amended, allows the Director of the Division of Welfare, Department of Health and Welfare, to enter into contracts with private attorneys in contested cases involving allegedly abused children, termination of parental rights, and in cases involving protective services for adults, where the Division of Welfare is a petitioning party. Committee vote was 14 - 0. Rep. Mark H. Stokes for Judiciary.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Legal Representatives. Amend RSA 161:9, as inserted by 1975, 89:1 by striking out said section and inserting in place thereof the following:

161:9 Legal Representation for Social Workers. In all contested cases where the division of welfare, department of health and welfare is a petitioning party involving children who are alleged to be neglected or abused, and in contested termination of parental rights cases and in all contested cases involving protective services for adults, the director of the division of welfare, department of health and welfare, may with the approval of the attorney general, contract with attorneys to represent social workers of the division appearing in court in such cases. The director of welfare may compensate attorneys at a reasonable rate for such representation.

Amendment adopted.

Referred to Appropriations.

COMMITTEE REPORTS (cont.)

HB 134, relative to certain public utility companies establishing future credit accounts to reimburse customers for payment of certain surcharges. Majority: Inexpedient to Legislate. Minority (Rep. Robert E. Plourde): Ought to Pass.

MAJORITY: The Committee feels at this time there are many questions on the administration of the bill, plus tax questions remaining without a firm answer. There is also the question whether this will spread charges to consumers who are not involved. The Committee commends the sponsors for their efforts to work out a solution for this difficult situation in utility financing. Vote was 11-5. Rep. C. Dana Christy for Majority of Commerce and Consumer Affairs.

MINORITY: The minority opinion is based on the premise that the State of New Hampshire should have an alternative in the event that CWIP (HB 155) passes the New Hampshire Senate. Rep. Robert F. Plourde for Minority of Commerce and Consumer Affairs.

Rep. French moved that the words, Refer to the Committee on Commerce and Consumer Affairs for Interim Study, be substituted for the Report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Rep. Christy spoke against the motion and yielded to questions.

Reps. Crorv, Labomharde, Plourde, Snell and Quimby spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 183 NAYS 61

YFAS 183

BELKNAP: Beard, Birch, Bowler, Gary Dionne, French, Wildreth, Mansfield, Matheson and Sanders.

CARROLL: Roderick Allen, Chase, Dickinson, Heath, Howard and Towle.

CHESHIRE: Crane, Jesse Davis, Dostilio, Ernst, Calloway, Ladd, Miller, O'Connor, Scranton, Vrakatis and Jean White.

COOS: Elmer Beaulac, Brungot, Burns, Chappell, Fortier, Guav, Horton, Richardson, Theriault, Alcide Valliere and Wiswell.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Chambers, Copenhaver, Crorv, LaMott, Low, Lowmes, Mann, McAvoy, McIver, Pepitone, Seely, Snell, Taffe, Walter and Ward.

HILLSBOROUGH: Ainley, Wilfrid Boisvert, Bosse, Carswell, Corser, Craig, Catherine-Ann Day, Clyde Eaton, Joseph Eaton, Granger, Hall, Hardy, Head, Heald, Healy, Hendrick, Howard Humphrey, Jamrog, Karnis, Keefe, Labomharde, Lyons, Milton Meyers, Morgan, Morrison, Murray, Nardi, Odell, Pappas, Pastor, Perkins, Podles, Polak, Peter Ramsev, Sallada, Silva, Leonard Smith, Soucy, Spirov, Stahl, Thiheault, Van Loan, Welch, Kenneth Wheeler, M. Arnold Wight and Zajdel.

MERRIMACK: Allgever, Bibbo, Carroll, John Cate, Milton Cate, Daniell, Holliday, James Humphrey, Kidder, Locke, Mitchell, Nichols, O'Neill, Packard, Plourde, Randlett, Doris Riley, Selway, Shepard, Gerald Smith, Stio, Stokes, Trachy, Underwood, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Appel, Benton, Blake, William Boucher, Marilyn Campbell, Roy Davis, Felch, Flanagan, Joseph Flynn, Beverly Gage, Gould, Griffin, Hartford, Kane, Kashulines, Roger King, Kozacka, Krasker, Leslie, Nelson, Newell, Parr, Pevear, Quimby, Reese, Scamman, Schmidtchen, Schwaner, Skinner, Freda Smith, Splaine, Stimmell, Sytek, Tavitian, Vlack, Helen Wilson, Wojnowski and Wolfson.

STRAFFORD: Farnham, Gauvin, Gosselin, Lessard, Morrisette, Prav, Robinson, Schreiber and Donald Smith.

SULLIVAN: Cutting, Domini, Palmer, Spanos, Spaulding, Townsend and Wiggins.

NAYS 61

BELKNAP: Morin.

CARROLL: None.

CHESHIRE: Matson, Proctor, William Riley and Russell.

COOS: Mavhew and York.

GRAFTON: Christy, Logan and Wood.

HILLSBOROUGH: Archambault, Baker, Corev, Beverly Dupont, Gabrielle Cagnon, Gelinas, Thomas Hynes, Lefebvre, McCarthy, Plomaritis, Record, Reidy, Roy, Stylianos, Emma Wheeler, Robert Wheeler and James J. White.

MERRIMACK: Bellerose, Clements, Colby, Epstein and LaBranche.

ROCKINGHAM: Collins, Ellyson, Gibbons, Greene, Jackson, Landry, Lavcock, LoFranco, Lovejoy, Joseph MacDonald, Parolise, Peterson, Pucci, Rogers, Stickney, Tufts and Warburton.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Donnelly, Joos, Pine, Vallev and Whitehead.

SULLIVAN: Brodeur, Burrows, Sim Gray and LeBrun, and the motion was adopted.

Referred to the Committee on Commerce and Consumer Affairs for Interim Study.

HB 777, to remove restrictions on branch banking. Majority: Ought to Pass with Amendment. Minority (Reps. Burns and McCarthy): Refer to the Committee on Commerce and Consumer Affairs for Interim Study.

MAJORITY: The Committee felt that the State of New Hampshire has sustained unprecedented growth in the 16 years since the Branch Banking Laws have been updated and to keep pace with our increased population and to provide the consumer with the additional services that competition provides we must liberalize our outdated laws. New federal laws allowing mutual savings banks to adopt federal charters and branch within a 35-mile radius of their home office and the increasing threat of interstate branching gives impetus to the majority vote. If New Hampshire banks go to federal charter this Legislature will have no control over branching for those banks. The amendment was proposed by Banking Department. Vote was 12-4. Rep. Phyllis J. Pucci for Majority of Commerce and Consumer Affairs.

MINORITY: The minority recommends referring HB 777 to interim study. It is necessary to determine the impact a change in the present branch banking laws will have on New Hampshire's present banking climate in general and on the State's financial institutions in particular. A study has, in fact, been completed confirming that New Hampshire's banking climate, under

existing State laws, is healthy and competitive. To change this environment without carefully weighing the impact of HB 777 could be disastrous to New Hampshire's financial environment. Reps. Harold W. Burns and William J. McCarthy for Minority of Commerce and Consumer Affairs.

Rep. Burns moved that the report of the Minority, Refer to the Committee on Commerce and Consumer Affairs for Interim Study, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Reps. Pucci, Griffin, Hildreth, Lavcock, William Roucher and Bodi spoke against the motion.

Reps. McCarthy, Baker, Lyons and Bosse spoke in favor of the motion.

Rep. Quimby requested a quorum count.

The Speaker declared a quorum present.

Rep. Ward spoke in favor of the motion and yielded to questions.

Rep. Crory spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

Rep. Hartford abstained from voting under Rule 16.

(Speaker presiding)

YEAS 141 NAYS 162

YEAS 141

BELKNAP: Bowler, French and Sanders.

CARROLL: Roderick Allen, Chase, Dickinson, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Crane, Dostilio, Daniel Eaton, Ernst, Galloway, Johnson, Kohl, Ladd, Matson, Miller, Moore, Proctor, Margaret Ramsay, William Riley, Russell, Scranton, Vrakatisis and Jean White.

COOS: Brungot, Burns, Chappell, Horton, Mavhew, Richardson, Theriault, Willey and Wiswell.

GRAFTON: Buckman, Dearborn, LaMott, Low, McAvoy, McIver, Pepitone, Rounds, Seely and Ward.

HILLSBOROUGH: Ainley, Baker, Wilfrid Boisvert, Bosse, Carswell, Corser, Craig, L. Penny Dion, Clyde Eaton, Joseph Eaton, Gabrielle Cagnon, Nancy Cagnon, Gelinas, Hall, Hardy, Head, Thomas Hynes, Jamrog, Keefe, Lefebvre, Lyons, McCarthy, Milton Meyers, Morgan, Murray, Nardi, Naro, Peters, Plomaritis, Polak, David Ramsay, Record, Roy, Sallada, Silva, Edward Smith, Leonard Smith, Van Loan, Wallin, Emma Wheeler, Kenneth Wheeler, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Allgeyer, John Gage, Milton Gage, Clements, Daniell, Holliday, James Humphrey, Kidder, Locke, Nichols, O'Neill, Packard, Doris Riley, Shepard, Stockman and Waters.

ROCKINGHAM: Aeschliman, Benton, Blake, Marilyn Campbell, Collins, Robert Day, Ellyson, Felch, Flanagan, Carl Gage, Gould, Hoar, Jones, Lovejoy, Nelson, Newell, Parolise, Scamman, Skinner, Splaine, Stimmell, Sytek, Tavitian, Tufts, Vartanian, Wolfson and Woodman.

STRAFFORD: Canney, Ronald Chagnon, Gosselin, Meader, Pray and Whitehead.

SULLIVAN: Domini, Palmer and Wiggins.

NAYS 162

BELKNAP: Beard, Birch, Gary Dionne, Hanson, Hildreth, Mansfield, Matheson, Morin and Sabbow.

CARROLL: Heath and Howard.

CHESHIRE: Jesse Davis and O'Connor.

COOS: Elmer Beaulac, Bouchard, Fortier, Guay, Bradley Haynes, George Lemire, Oleson and Alcide Valliere.

GRAFTON: Aldrich, Ira Allen, George Gate, Chambers, Christ, Copenhaver, Crory, Michael King, Logan, Lowmes, Mann, Snell, Taffe, Walter, Andrew Ware and Wood.

HILLSBOROUGH: Archambault, Corev, Joseph Cote, Catherine-Ann Dav, Beverly Dupont, Granger, Heald, Healy, Hendrick, Howard Humphrey, Kalamanos, Karnis, Lahombarde, Lamy, Martel, Mazur, McDonough, McLaughlin, Morrison, Mulligan, Nemzoff-Berman, Odell, Pappas, Pastor, Perkins, Podles, Peter Ramsey, Reidy, Soucy, Spirou, Stylianos, James Sullivan, Thiheault, Vachon, Eliot Ware, Weaver, Welch, James J. White and Zajdel.

MERRIMACK: Bellerose, Bibbo, Blakenev, Bodi, Carroll, Colby, Epstein, Hill, LaBranche, McLane, Mitchell, Plourde, Randlett, Rice, William Roberts, Selway, Gerald Smith, Stio, Stokes, Trachy, Underwood, Ernest Valliere and Wiviott.

ROCKINGHAM: Appel, Blanchette, William Boucher, Butler, Patricia Cote, Roy Davis, Dunfey, Joseph Flynn, Beverly Gage, Gibbons, Greene, Griffin, Jackson, Kane, Kashulines, Roger King, Kozacka, Landry, Laycock, Leslie, LoFranco, Joseph MacDonald, Newman, Pantelakos, Parr, Peterson, Pevear, Pucci, Quimby, Reese, Rogers, Schmidtchen, Schwaner, Freda Smith, Stickney, Vlack, Warburton, Helen Wilson and Wojnowski.

STRAFFORD: Burchell, DeNafio, Donnelly, Farnham, Gauvin, Joos, Lessard, McManus, Morrisette, Robinson, Sackett, Schreiber, Donald Smith, Tripp and Valley.

SULLIVAN: Brodeur, Burrows, David Campbell, Cutting, Sim Gray, LeBrun, Spanos, Spaulding and Townsend, and the motion lost.

Rep. Nardi notified the Clerk that she inadvertently voted yea and meant to vote nay.

Question being on the Amendment to HB 777.

Amendment

Amend the bill by striking out all after section one and inserting in place thereof the following:

2 New Definitions. Amend RSA 384-B:1 by inserting after paragraph X the following new paragraphs:

XI. "Population" means the population of towns as compiled in the most recent annual report of the New Hampshire office of state planning.

XII. "Standard metropolitan statistical area" means the area defined as such by the office of management and budget of the United States.

3 Restrictions on Branch Banking Reduced. Amend RSA 384-B:2, I and II, as inserted by 1963, 188:1 by striking out said paragraphs and inserting in place thereof the following:

I. With the approval of the board any bank may (a) establish one or more branch offices within the town in which its principal office is located; (b) establish and operate one or more branch offices in any town within the state having a population in excess of 25,000; (c) establish and operate one or more branch offices at any location which is (1) within the county or standard metropolitan statistical area in which its principal office is located or (2) is within a distance of 35 miles of its principal office. Provided, however, that the board shall not grant any application for a branch office under (c) above if the proposed location thereof is in a town in which the principal office of a bank or national bank is located and operating at the time of the application, unless this restriction has expired with respect to such town as hereinafter provided. The limitation contained in the preceding sentence shall cease to apply (1) after June 30, 1980, with respect to any application to locate a branch office in a town having a population in excess of 10,000 at the time of such application; (2) after June 30, 1981, with respect to any application to locate a branch office in a town having a population in excess of 5,000 at the time of such application; and (3) after June 30, 1982, with respect to any application to locate a branch office in a town having a population in excess of 2,500 at the time of such application. Notwithstanding anything else in this paragraph to the contrary, the board shall not grant any application for a branch office if the dollar volume of the total deposits, time, savings and demand, of the applicant bank is greater than 15 percent of the dollar volume of the total deposits, time, savings and demand, of all banks, national banks and federal savings and loan association, in this state as determined by the board on the basis of the most recent reports made by such institutions to their supervisory authorities available at the time of filing the application; nor if the applicant bank is an affiliate of a bank holding company which with all its affiliates then holds a dollar volume of deposits, time, savings and demand, greater than 15 percent of the dollar volume of total deposits, time, savings and demand, of

all banks, national banks and federal savings and loan associations, in this state as determined by the board on the basis of the most recent reports made by such institutions to their supervisory authorities available at the time of filing of the application.

11. With the approval of the board, the resulting bank, after a consolidation as herein defined, may operate as a branch office or offices the business of any other bank acquired in such consolidation, at any location in the same town or towns in which such business was theretofore carried on, wherever in the state such town or towns may be; provided, however, that the dollar volume of the total deposits, time, savings and demand, of the remaining bank at the time of filing its application for such branch office or offices does not exceed 15 percent of the dollar volume of the total deposits, time, savings and demand, of all banks, national banks, and federal savings and loan associations, in this state as determined by the board on the basis of the most recent reports made by such institutions to their supervisory authorities available at the time of filing of the application.

4 Maximum Deposit Size of Bank Holding Companies and Affiliates Lowered. Amend RSA 384-B:3 as inserted by 1963, 188:1 by striking out said section and inserting in place thereof the following:

384-B:3 Bank Holding Company Affiliates. No bank holding company shall directly or indirectly acquire ownership or control of any voting stock of any bank or national bank, if upon such acquisition (1) the bank holding company would have more than 12 affiliates; or (2) the dollar volume of the total deposits, time, savings and demand, of the bank holding company and all its affiliates would exceed 15 percent of the dollar volume of total deposits, time, savings and demand, of all banks, national banks, and federal savings and loan associations, in this state as determined by the board on the basis of the most recent reports made by such institutions to their supervisory authorities available at the time of acquisition.

5 Existing Branch Offices not Affected. Amend RSA 384-B:6 as inserted by 1963, 188:1 by striking out said section and inserting in place thereof the following:

384-B:6 Existing Branch Offices. Nothing herein shall be construed to make unlawful the continued operation of any branch office lawfully existing on June 30, 1979.

6 Complementary Facilities. Amend RSA 384-E:3, (supp) as inserted by 1977, 333:1 by striking out in lines 10 through 14 the words "Notwithstanding anything herein to the contrary, any complementary facility which is to be an adjunct of a branch office which was established in a noncontiguous town pursuant to the provisions of RSA 384-B:2, I (c) shall be so located as to comply with the same mileage limitations of RSA 384-B:2, I (c) applicable to such branch office", so that said section as amended shall read as follows:

384-E:3 Location of Complementary Facility. Each complementary facility

established pursuant to this chapter shall be located in the same city or town as that in which the bank maintains the office of which such complementary facility is to be an adjunct. No complementary facility shall be established or maintained at a location which is more than 1,000 feet from the principal office or branch office of the bank of which it is to be an adjunct; nor shall any such complementary facility be established within 200 feet of the principal office or a branch office of another banking institution without the written consent of such other banking institution. For purposes of this chapter, distances shall be measured along a straight line drawn between the wall of the principal office or branch office of a bank and the nearest wall of the complementary facility.

7 Repeal. RSA 393:60 relative to the establishment of branch offices by cooperative banks, savings and loan associations and building and loan associations, is hereby repealed. Such repeal shall not make unlawful the continued operation of any branch office established pursuant to said section prior to its repeal.

8 Effective Date. This act shall take effect June 30, 1979.

Amendment adopted.
Ordered to third reading.

RECESS

SUSPENSION OF RULES

Rep. French moved that the rules be so far suspended as to permit consideration at the present time of HB 876, allowing the Moultonborough school district to be a supervisory union, the Committee on Education having reported after the deadline. Adopted by the necessary two-thirds.

COMMITTEE REPORTS (Cont.)

HB 876, allowing the Moultonborough school district to be a supervisory union. Refer to the Committee on Education for Interim Study.

The State Board of Education received Moultonborough's request to form their own supervisory union just two weeks ago and has not had time to give the matter proper attention. The Committee feels that it should follow established procedures for withdrawal before seeking legislative intervention. The vote was 16-0 for interim study. Rep. Betty Jo Taffe for Education.

Rep. William Boucher spoke in favor of the committee report.

Referred to the Committee on Education for Interim Study.

HB 469, establishing a statewide elderly discount card program. Majority: Ought to Pass with Amendment. Minority (Reps. Woodman, Dearborn, Ware, Baybutt, Whitehead and Hoar): Inexpedient to Legislate.

MAJORITY: The majority of the Committee felt HB 469 would benefit the elderly of our State by providing them with discount cards to be used at

participating merchants. Elderly cards would be obtained from the Division of Motor Vehicles, for those who do not presently have photo IDs. The joint Committee on Elderly Affairs is to work with the Council on Aging to implement procedures for the implementation of the Discount Card Program. The amendment moves the effective date to January 1, 1980 to allow a workable program to be established through the Council. Vote was 8-6. Rep. Edward J. Wojnowski for the Majority of Executive Departments and Administration.

MINORITY: Amendments to this elderly discount card program broaden its coverage to all persons 65 or over, not just those with incomes under \$10,000, and delegate rule making authority to the Council on Aging. The minority felt that without an income restriction the same kind of identification card can now be obtained through the Department of Safety at its licensing bureaus throughout the State. Reps. Louisa K. Woodman, Robert W. Dearborn, Andrew H. Ware, Nancy F. Baybutt, Mary F. Whitehead and John Hoar, Jr. for the Minority of Executive Departments and Administration.

Amendment

Amend the subdivision heading as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

Golden Granite State Photo Card

Amend RSA 167-A:12 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

167-A:12 Duties of Council. The duties of the council with regard to the discount card program shall be as follows:

I. Administering the program, including the use of staff, space and equipment presently maintained by the council to carry out the purposes of this subdivision.

II. Acquiring any federal or other funds available for the program and cooperating with the governor in an effort to obtain any discretionary funds or other funds available to the program through the office of the governor.

III. Encouraging the aged to participate in the program by urging them to apply for discount cards.

IV. Encouraging merchants to participate in the program by urging them to offer discounts to persons who hold discount cards.

V. Advertising the program as is deemed necessary for its success.

VI. Designing and arranging for production of standard laminated discount cards and making them available to all eligible applicants.

VII. Establishing an application procedure and forms for all aged residents of the state to use when they apply for the discount card.

VIII. Establishing a set of procedures and forms whereby each merchant wishing to participate will sign a statement of intent to be filed with the council, on which the merchant shall stipulate the amount of discount and the time limits, if any, offered.

Amend RSA 167-A:13 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

167-A:13 Rules. The council, after consultation with the joint committee on elderly affairs, shall have the authority to adopt rules pursuant to RSA 541-A to effectuate the purpose of RSA 167-A:12.

Amend RSA 167-A:14 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

167-A:14 Eligibility for Card. Any resident of the state of New Hampshire 65 years of age or older is eligible for a discount card as provided herein.

Amend RSA 167-A:15 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

167-A:15 Discount Cards. The council shall cooperate with the director of the division of motor vehicles in using existing identification cards as provided under RSA 259:21, with any necessary alterations, as the discount cards required for the purposes of this subdivision.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect January 1, 1980.

Amendment adopted.

Referred to Appropriations.

HB 757, amending various provisions of the unemployment compensation act. Ought to Pass with Amendment.

HR 757, as amended, removes sections of the bill dealing with conformity for governmental employees under Public Law 94-566 to HB 808.

It provides that the employer shall be liable to make restitution to the unemployment compensation fund in full for any and all unemployment benefits paid to an employee, for a period covered by or included in a back pay award.

A section of the bill deals with weekly benefits for total unemployment raising the weekly benefit amount, and the maximum total amount of benefits to be paid in any benefit year.

Included is a provision for a refund to employers of benefits repaid to the unemployment compensation fund. Extends the Trade Act and brings the language into line with Public Law 93-618, in accord with provisions established with the United States Secretary of Labor. Vote was 9-5. Rep. Joanne C. Head for Labor, Human Resources and Rehabilitation.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Agricultural Labor. Amend RSA 282:1, H (4) (a) (supp) as amended by striking out said subparagraph and inserting in place thereof the following:

(a) Agricultural labor, as defined in subsection R of this section;

2 Domestic Service. Amend RSA 282:1, H (4) (b) (supp) as amended by striking out said subparagraph and inserting in place thereof the following:

(b) Domestic service in a private home, local college club or local chapter of a college fraternity or sorority;

3 Back Pay Awards. Amend RSA 282:1, M (3) as amended by striking out said subparagraph and inserting in place thereof the following:

(3) (a) For the purposes of paragraphs (1) and (2) above: The term "wages" shall include compensation for temporary partial disability under the workmen's compensation law of any state or under a similar law of the United States, payments in lieu of notice, a sickness or separation allowance, payment of accrued leave or sums of whatever type or nature, payments upon discharge from military service from either the state or federal government, or both, and earnings from self-employment. Wages or earnings or both, shall be deemed to have been received in such week or weeks in which earned, or, if not clearly identifiable, then for such week or weeks as the commissioner may find such can be reasonably said to apply. An individual's maximum weekly benefit amount shall be reduced by all wages and earnings in excess of 70 percent, rounded to the nearest dollar, of his weekly benefit amount.

(b) The employing unit shall be liable to make restitution to the unemployment compensation fund in full for any and all unemployment benefits paid to an employee for a period covered by or included in any arbitration or back pay award.

4 Weekly Benefit Amount. Amend RSA 282:2, B (1) (supp) as amended by striking out said subparagraph and inserting in place thereof the following:

(1) The maximum weekly benefit amount and maximum benefits payable to an eligible individual in any benefit year shall be determined by his annual earnings, of which in each 2 calendar quarters he must have earned not less than \$600, as follows:

ANNUAL EARNINGS OF NOT LESS THAN	MAXIMUM WEEKLY BENEFIT AMOUNT	MAXIMUM BENEFITS
\$1,200	\$21	\$ 546
1,500	23	598
1,700	26	676
2,000	30	780
2,300	33	858
2,600	36	936
2,800	39	1,014
3,000	43	1,118
3,200	44	1,144
3,400	46	1,196
3,600	48	1,248
3,900	50	1,300
4,200	54	1,404
4,500	58	1,508
4,800	61	1,586
5,100	66	1,716
5,400	69	1,794
5,700	73	1,898
6,000	76	1,976

6,300	79	2,054
6,600	83	2,158
7,000	87	2,262
7,400	91	2,366
7,800	95	2,470
8,200	99	2,574
8,600	102	2,652
9,000	105	2,652
9,500	108	2,652
10,000	111	2,652
10,500	114	2,652

5 Self-Employment Clarified. Amend RSA 282:4, A (supp) as amended by striking out said subsection and inserting in place thereof the following:

A. Until he has earned in each of 3 weeks wages in employment as defined in section 1-H, except 1-H (4)(f), (g), or wages earned in a like manner in another state, of at least 20 percent more than his weekly benefit amount in effect when the act occurs, subsequent to the date:

(1) He left his work voluntarily without good cause in accordance with rules and regulations of the commissioner. This subsection shall not apply and benefits shall be paid without regard thereto where an unemployed individual, not under a disqualification, accepts employment which would not have been deemed suitable work under subsection M of this section and terminates such employment within a period of not more than 4 consecutive weeks of employment with or without good cause;

(2) He was discharged for misconduct connected with his work, if so found by the commissioner;

(3) He left his self-employment or closed his business.

(4) No individual shall be ineligible for benefits or disqualified for benefits solely because he has engaged in temporary self-employment without intending to establish a business while otherwise unemployed and continuing to seek employment after completion of such temporary self-employment endeavor.

6 Labor Dispute; Benefits. Amend RSA 282:4, F (3) as amended by striking out said subparagraph and inserting in place thereof the following:

(3) He has become unemployed and entitled to unemployment compensation before the commencement of the labor dispute and his connection with the employer has been totally severed, including the absence of recall rights, seniority rights and other fringe benefits and indicia of employment; or

7 Disciplinary Layoff. Amend RSA 282:4, L as amended by striking out said subsection and inserting in place thereof the following:

L. For the duration of his disciplinary layoff; provided, however, that the disciplinary layoff is based upon good cause as determined by the commissioner or his authorized representative.

8 Reconsideration. Amend RSA 282:5, B (4) as amended by striking out in line 1 the words "6 months" and inserting in place thereof the following (30 days) so that said paragraph as amended shall read as follows:

(4) A certifying officer may, within 30 days of any determination, for good cause reconsider his determination or any part

thereof, provided there was no appeal taken from the determination. Such redetermination shall be made, and an appeal therefrom may be had, in the same manner as the original determination.

9 Refunds. Amend RSA 282:6 by inserting after paragraph A-3 the following new paragraph:

A-4. The state and all other employers who have reimbursed the unemployment compensation fund for benefits paid shall be credited against future billing or in whole or in part refunded at the discretion of the commissioner by an amount equal to the amount of such benefits which are repaid to the unemployment compensation fund from any other source.

10 Responsibility for Tax Payments. Amend RSA 282:14, F as amended by striking out said paragraph and inserting in place thereof the following:

F. Any employing unit, officer or employee of a corporation, or member or employee of a partnership, who as such officer, employee, or member is under a duty to perform and who knowingly makes a false statement or representation or who knowingly fails to disclose a material fact to avoid becoming or remaining subject hereto or to avoid or prevent or reduce any contribution or other payment required of such employing unit under this chapter, or to deny or reduce payments of benefits to any individual, or who fails or refuses to make any such contribution or other payment having in his possession or control funds to do so and allowing said funds to be expended for any other purpose except payment of wages to employees other than corporate officers or relatives or to furnish any reports required hereunder or to testify or to permit inspection of records or produce records as required hereunder, or who makes, permits or requires any deduction from wages to pay all or any portion of the contributions required from employers, or who attempts to induce any individual to waive any right under RSA 287, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person, and each such violation shall constitute a separate and distinct offense. The court in all such cases shall order such payment to be made or report to be completed and may suspend part of its sentence on condition of said performance.

11 Trade Act. Amend RSA 282:21 (supp) as inserted by 1965, 373:1 as amended by striking out said section and inserting in place thereof the following:

I. The department of employment security, through its commissioner, is hereby authorized to enter into an agreement, effective April 3, 1975, with the Secretary of Labor of the United States to become an agent of the United States in order to carry out the provisions of Chapter 2 of Title II of the Trade Act of 1974 (P.L. 93-618), and to perform such acts and do all those things necessary to fully carry out such agreement.

II. Solely for the purposes of carrying out the agreement authorized in paragraph I of this section, and notwithstanding other provisions of this chapter to the contrary, the provisions of this section permit (a)

the payment of unemployment compensation benefits to an individual undergoing a training or retraining program under said federal law; (h) an individual to receive unemployment compensation benefits though supplemented by a trade readjustment allowance; and (c) the use of monies in the contingent fund provided by RSA 282:10, C for payment to the United States of America where it has been found that there was gross negligence, fraud or failure to take appropriate recovery action by New Hampshire under the terms of the agreement.

12 Retirement Pay. Amend 1978, 50:1 by striking out in lines 3 and 4 the words "60 days after" and inserting in place thereof the following (on) so that said section as amended shall read as follows:

50:1 Repeal. RSA 282:7, E relative to reducing unemployment compensation benefits by the amount of retired pay is hereby repealed provided, however, that RSA 282:2, E shall become effective again on the date mandated by P.L. 94-566 as amended.

13 Repeal. RSA 282:1, G (8), (9), and (10) relative to the definitions of agricultural employers and domestic employers are hereby repealed.

14 Repeal. RSA 282:1, M (4) relative to lump sum payments is hereby repealed.

15 Repeal. RSA 282:21 relative to agreements under the Trade Act of 1974 is hereby repealed.

16 Effective Date. Section 9 shall take effect January 1, 1979. Section 11 shall take effect July 1, 1979. Section 15 shall take effect June 30, 1981. All other sections shall take effect 60 days after passage of this act.

Amendment adopted.

Referred to Appropriations.

HB 814, relative to the reinstatement of disqualification periods for unemployment compensation. Inexpedient to Legislate.

This is dealing with the disqualification period for an employee who voluntarily quit or is dismissed for misconduct and who seeks unemployment compensation benefits.

Three weeks of employment or wages earned in a like manner in another state of at least 20% more than his weekly benefit seems reasonable to requalify for unemployment benefits.

In most other states the time of work required for requalification of benefits is stricter. Vote was 9-2. Rep. Ernest J. Valliere for Labor, Human Resources and Rehabilitation.

Resolution adopted.

HB 863, relative to the conversion of solid waste into energy. Refer to the Committee on Science and Technology for Interim Study.

The Committee felt this bill has much merit, but that the development of solid waste energy systems in New Hampshire needed much more indepth study as to cost and technology, also this bill should be considered as a part of a State energy policy. Vote was 8-0. Rep. Selma R. Jackson for Science and Technology.

Referred to the Committee on Science and Technology for Interim Study.

HB 99, allowing candidates for delegate to a state convention to work at the polls as election officials. Inexpedient to Legislate.

This bill would allow candidates for a delegate to State Convention to work at the polls on election day. It is a step backward in our election reform efforts. Vote was 10-7. Rep. Natalie S. Flanagan for Statutory Revision.

Resolution adopted.

HB 100, allowing certain relatives to deliver completed absentee ballots. Inexpedient to Legislate.

This bill would allow certain relatives to deliver completed absentee ballots. The Committee does not wish to make any change in laws for return of absentee ballots to guarantee protection of the elections. Clerks may deputize people to return ballots. Vote was 8-7. Rep. Clyde S. Eaton for Statutory Revision.

Resolution adopted.

HB 165, relative to disqualification from office. Ought to Pass.

This bill declares that any elected or appointed official who moves outside his area represented or served shall be considered to have resigned his position. It amends RSA 54:1 which will be repealed upon adoption of HB 575, the Codification of the Election Laws. The issue is clarified in the codification bill under RSA 652:12, Vacancy. Vote was 10-7. Rep. Robert A. Vaughan for Statutory Revision.

Ordered to third reading.

HB 244, permitting changes in party affiliation to be registered with a town or city clerk. Ought to Pass with Amendment.

This bill, as amended, would permit changes in party affiliations to be registered with the town or city clerk. Any legal voter can change party registration at any meeting of board of supervisors when not otherwise prohibited by law. Unanimous vote of Committee. Rep. Virginia K. Lovejoy for Statutory Revision.

Amendment

Amend RSA 56:40-a, IV, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. Town and city clerks shall have the power to administer oaths to the applicants that appear before them for the purposes of this section.

V. Any application made under the provisions of this section shall be signed and dated by the applicant.

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Change Time. Amend RSA 56:40, I (a), (supp) as amended by striking out in lines 3

and 4 the words "as provided in RSA 56:37" and inserting in place thereof the following (, except as prohibited by RSA 56:39,) so that said subparagraph as amended shall read as follows:

(a) Any legal voter whose party membership has been registered may change such registration by appearing in person before the supervisors of the checklist for his town or ward any time they meet, except as prohibited by RSA 56:39, and stating to them under oath or affirmation, if required, that:

4 Time for Amending. Amend RSA 56:40, II (a), (supp) as amended by striking out in line 4 the words "as provided in RSA 56:37" and inserting in place thereof the following (, except as prohibited by RSA 56:39,) so that said subparagraph as amended shall read as follows:

(a) Any legal voter who has not been registered as a member of any party may register as a member of the party of his choice by appearing before the supervisors of the checklist for his town or ward any time they meet, except as prohibited by RSA 56:39, and stating to them, under oath or affirmation, if required, that he intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case he shall be registered as a member of such party.

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 281, correcting certain errors in RSA 60. Ought to Pass with Amendment.

This bill, as amended, states that a voter who cannot appear in public on any election day because of a religious commitment shall be entitled to vote by absentee ballot in the same manner as anyone actually absent. Vote was 10-0. Rep. Natalie S. Flanagan for Statutory Revision.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to absentee voting by persons observing religious commitments.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Section. Amend RSA 60 by inserting after section 1 the following new section:

60:1-a Religious Restrictions. A voter who cannot appear in public on any election day because of his observance of a religious commitment shall be treated for all purposes in this chapter as if he were absent from the city or town on election day and shall be entitled to vote by absentee ballot in the same manner as anyone who is actually absent from a city or town on election day.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 458, concerning political campaign financing. Refer to the Committee on Statutory Revision for Interim Study.

This bill deals with public financing for State political campaigns. All of the Governor's Council appeared in favor of the concept, but the subject needs more study. Vote was 10-0. Rep. Russell C. Chase for Statutory Revision.

Referred to the Committee on Statutory Revision for Interim Study.

HB 468, concerning political expenditures, advertising and contributions in elections not covered by RSA 70. Refer to the Committee on Statutory Revision for Interim Study.

This bill needs more study. Concerns political contributions and expenditures applicable to any city, town, village or school election. Vote was 9-1. Rep. Natalie S. Flanagan for Statutory Revision.

Referred to the Committee on Statutory Revision for Interim Study.

HB 745, revising the manner of nominating certain candidates for special elections. Ought to Pass with Amendment.

This bill will require that party caucuses be posted in two places in each town in a representative district 10 days prior to caucus and requires posting of checklists. Notice must also be posted at place of caucus. Vote was 10-0. Rep. Eleanor P. Podles for Statutory Revision.

Amendment

Amend RSA 56:73-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

56:73-a Notice. Any caucus held under the provisions of RSA 56:73 shall be called by a notice posted in 2 conspicuous places in each town in the district 10 days or more before the day of the caucus. Such notice shall specify the place, day and hour of the meeting.

Amend RSA 56:74 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

56:74 Conventions. The nomination of a candidate for representative in the United States Congress or for executive councilor shall be made by convention.

Amend RSA 56:74-a as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

56:74-a Caucus Required. The nomination of a candidate for the state senate or for representative to the general court from a multitown district shall be made in a caucus called by the state party chairman who shall determine the time and place of the caucus. The state party chairman shall insure that all checklists

containing voters eligible to vote at the caucus shall be posted in a public place in each town in the district and at the place where the caucus is to be held at least 10 days before the date set for holding the caucus.

Amendment adopted.

Ordered to third reading.

HB 749, concerning removing names from checklists. Refer to the Committee on Statutory Revision for Interim Study.

This bill addresses removal of names from checklists. This matter is not now addressed in the statutes. Committee needs to make some changes in the bill. Unanimous vote of Committee for interim study (10-0). Rep. Virginia K. Lovejoy for Statutory Revision.

Referred to the Committee on Statutory Revision for Interim Study.

HB 750, revising the voter registration form. Ought to Pass with Amendment.

This bill revises the voter registration form requirement and adds a penalty of perjury clause. Unanimous vote (9-0). Rep. Natalie S. Flanagan for Statutory Revision.

Amendment

Amend RSA 55:14-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

55:14-a Voter Registration Form. A standard registration application form shall be used throughout the state. The form shall be the same for in-person or absentee registration except that the absentee registration shall include a return envelope. The registration form shall be 4 inches by 6 inches and shall be made in triplicate. The original copy shall be retained by the supervisors of the checklist, the first copy shall be forwarded to the supervisors of the checklist of the city or town of the applicant's last voting residence if said address was in New Hampshire, and the second copy shall be sent to the town or city clerk. The secretary of state shall prepare the voter registration form which shall be in substantially the following form:

VOTER REGISTRATION CARD (Please print or type)

1. Name
Last First Middle Initial
2. Party Affiliation (if any)
.....
3. Address.....
Street City County Zip
4. Birth Place.....
City State
5. If a naturalized citizen, give name
of court where and date when
naturalized.....
6. Date of Birth
.....Mon
th/Date/Year
7. Date of registration
.....

8. Place last registered to vote, if not a new registrant

I hereby swear, under penalty of perjury, that my permanent established domicile is at the above address and that the information above is true and correct to the best of my knowledge and belief.

.....
(Signature of Applicant)

Amendment adopted.
Ordered to third reading.

HB 766, relative to elections in cities, towns, and village districts. Ought to Pass. This bill codifies the election laws relative to the procedures to be followed in city elections, town elections and village district elections. Presently sections dealing with these elections are scattered throughout the RSA. This bill unifies these statutes in conformity with the state's criminal code and the definitions and structure of HB 575 (the main body of codified state election laws). The intent of this bill, like HB 575 is to clarify the state's election procedure. The Committee unanimously endorses the introduction of the published floor amendment prepared in consultation with the New Hampshire Municipal Association. The Committee would have formally adopted this amendment were it not for the committee reporting deadline. Vote was 10-0. Rep. Dennis C. Ramsey for Statutory Revision.

Rep. Vaughan offered an amendment.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapters. Amend RSA by inserting after chapter 668 the following new chapters:

CHAPTER 669 Town Elections General Provisions

669:1 Election Dates. All towns shall hold a town election annually for the election of town officers on the second Tuesday in March except those towns which have adopted the provisions of RSA 31:94-a and have, by majority vote at a previous town meeting, decided to elect officers on the second Tuesday in May.

669:2 Warrant. The selectmen shall include as part of the warrant for the annual town meeting a warrant for each annual town election which shall prescribe the place, day and hour of the election, the officers to be elected, and the questions to be submitted to the voters. In a town which has adopted an official ballot system for the election of town officers, the warrant shall specify the time the polls are to open and the hour before which the polls may not close. The warrant shall clearly specify which items shall be voted on by ballot at the town election and which items shall be

considered at the town business meeting. In a town which has not adopted an official ballot system, it shall be sufficient for a town meeting warrant to list items to be taken up at the town business meeting, including the election of town officers.

669:3 Town Meeting Provisions Applicable. All appropriate provisions of RSA 39 relative to warning the town meeting and posting the town meeting warrant shall apply to the town election.

669:4 Qualifications of Voters. Any person having his domicile within the town and qualified to vote under RSA 654:1 - 654:2 and 654:4 - 654:6 and who is on the town checklist shall be qualified to vote in town elections.

669:5 Voters and Checklists. The supervisors shall prepare, post and revise the checklist for a town election in the same manner as for a state election as provided in RSA 654:25 - 654:31, except that the session for correction of the checklist on the third Tuesday preceding the day of the state election as provided in RSA 654:27 shall not be required to be held.

669:6 Qualification of Officers. Unless otherwise provided by law, no person shall hold an elective town office who does not have his domicile within the town.

669:7 Incompatibility of Offices. No person shall at the same time hold any 2 of the following offices: selectman, treasurer, moderator, trustee of trust funds, collector of taxes, auditor and highway agent. No person shall at the same time hold any 2 of the following offices: town treasurer, moderator, trustee of trust funds, selectman and head of any police department on full time duty. No person shall at the same time hold the offices of town treasurer and town clerk. No official handling funds of a town shall at the same time hold the office of auditor. No selectman, moderator, town clerk or inspector of elections shall at the same time serve as a supervisor of the checklist. No selectman, town manager, school board member or village district commissioner shall at the same time serve as a budget committee member-at-large under RSA 32.

669:8 Incompatibility of Offices: Town Manager. The town manager during the time that he holds such appointment, may be manager of a district or precinct located wholly or mainly within the same town and may be elected or appointed to any municipal office in such town or included district or precinct that would be subject to his supervision if occupied by another incumbent; but he shall hold no other public office except justice of the peace or notary public except as provided in RSA 39:16.

669:9 Oaths of Town Officers. All town officers elected as provided in this chapter shall take an oath of office as provided in RSA 42 before qualifying for office.

669:10 Term of Office. Except as otherwise provided, the term of office of any officer elected under this chapter shall begin upon his election and qualification for office and shall end upon the election and qualification of his successor.

Ballot Systems

669:11 Unofficial Ballot System. If a town has not voted at a previous town meeting to adopt an official ballot system as provided in RSA 669:12 or 669:13 or if a town has voted to rescind such adoption, such town shall elect its officers by means of the unofficial ballot system as provided in RSA 669:54 - 669:60. A majority vote shall be required to elect using unofficial ballots.

669:12 Partisan Official Ballot System. Any town may vote to adopt the partisan official ballot system for election of town officers under an article in the warrant for any town meeting, and may rescind such action in like manner. The partisan ballot system shall not be in effect until the town election first following the town meeting at which such system is adopted. A plurality shall elect in towns using the partisan ballot system.

669:13 Non-Partisan Official Ballot System. A town may vote to adopt the non-partisan official ballot system for election of town officers under an article in the warrant for any town meeting, and may rescind such action in like manner. In any town in which the partisan ballot system is in effect, and which has a population, according to most recent federal census, of 4,500 or more, adoption of the non-partisan ballot system shall be by ballot. Whenever in such town there shall appear in the warrant for any town meeting an article relating to the adoption of the non-partisan ballot system, the town clerk shall cause to be printed on the official ballot, if any, otherwise upon a ballot specially prepared for the purpose, the question, "Shall the non-partisan ballot system for the election of town officers be adopted by this town?", which question shall be followed by boxes in which the voter may indicate "Yes" or "No". If the majority of the qualified voters present and voting at such meeting shall answer said question in the affirmative, the non-partisan ballot system shall be deemed to have been adopted by said town. In all towns, the non-partisan ballot system shall not be in effect until the town election first following the meeting at which such system is adopted. A plurality shall elect in towns using the non-partisan ballot system.

Officers Elected

669:14 Use of Ballot. Town officers who are to be elected by ballot as provided in RSA 669:15 and all other officers that a town has voted at some previous meeting to elect by ballot shall be elected by means of the partisan or non-partisan official ballot systems if such an official ballot system shall be in effect in a town. In towns where no such official ballot system is in effect, town officers who are to be elected by ballot as provided in RSA 669:15 and such other officers as the town votes to elect by ballot shall be elected by unofficial ballot at the town business meeting pursuant to RSA 669:54 - 669:60.

669:15 Officers Who Shall Be Elected; Election by Ballot. The town officers

specified in this section shall be elected at a town election by the voters of the town, and the election of such officers shall be by ballot as specified by the RSA section indicated:

I. Selectmen (RSA 41:8 through 8-e).

II. Moderator (RSA 40:1).

III. Supervisors of the checklist (RSA 41:46-a).

IV. Town Clerk (RSA 41:16 through 16-b).

V. Town Treasurer (RSA 41:26 through 26-b).

669:16 Optional Officers to be Elected by Ballot; Interim Officers. The town offices specified in this section shall, if established by a town, be filled by an election by ballot. Such an officer may not be elected by official ballot until the annual town election first following the establishment of the office. However, whenever a town votes to establish such an optional office, the town may also then vote to elect by unofficial ballot at the same meeting an officer to serve until the next annual town election. If a town then fails to elect such an officer by unofficial ballot, the office shall be deemed vacant and shall be filled as provided in RSA 669:61 - 669:75. This section applies to the following offices:

I. Town clerk-tax collector (RSA 41:45-a).

II. Constables or police officers for full-time duty (RSA 41:47).

III. Trustees of trust fund (RSA 31:19-23).

IV. Sewer commissioners (RSA 752:19).

V. Tax collector for a 3-year term (RSA 41:2-a or 2-b).

VI. Town auditors (RSA 41:32-a).

VII. Library trustees (RSA 207-A:6).

669:17 Officers Who May Be Elected: Election by Ballot or Other Means. The town officers specified in this section may be elected by ballot or by other means at annual town elections or meetings by the voters of the town as determined by said voters. Such an officer may not be elected by official ballot until the annual town election first following the establishment of the office. When a town votes to establish such an optional office, the town may also then vote to elect by any means at the same meeting an officer to serve until the next annual town election or meeting or may vote to authorize the officer with the power to fill a vacancy in the office as provided in RSA 669:61 - 669:75 to appoint someone until the next annual town election or meeting. This section applies to the following offices:

I. Town assessors (RSA 41:2-c through 2-i).

II. Highway agents (RSA 245:6).

III. Overseers of public welfare (RSA 41:2).

IV. Constables or police officers, other than those elected under RSA 41:47 (RSA 41:2).

V. Elected planning board members (RSA 36:4).

VI. Elected budget committee members (RSA 32:2).

VII. Tax collector for a 1-year term (RSA 41:2).

VIII. Any other officers the town may judge necessary for managing its affairs under RSA 41:2.

By Official Ballot

669:18 Nominations: Partisan Ballot System. In a town which has adopted the partisan ballot system as provided in RSA 669:12, nominations shall be made by caucus as provided in RSA 669:37 - 669:53.

669:19 Nominations: Non-Partisan Ballot System. In a town which has adopted the non-partisan ballot system as provided in RSA 669:13, all candidates shall file a declaration of candidacy with the town clerk no earlier than 45 nor later than 30 days before the town election. Such declaration of candidacy shall be prepared by the town clerk in substantially the following form: I, _____, declare that I am domiciled in the town of _____, and that I am a qualified voter therein; that I am a candidate for the office of _____ and hereby request that my name be printed on the official non-partisan ballot of the town of _____. At the time of said filing, each candidate shall pay to the town clerk a filing fee of \$1 for the use of the town, provided that a candidate for a town office which carries no salary or other compensation shall be entitled to file his declaration without the payment of a filing fee.

669:20 Nomination Petitions. At the time of said filing, the candidate may file, in lieu of a declaration of candidacy, nominating petitions; and, in such case, the name of said candidate shall be printed upon the ballot, without the payment of a fee. The form of petition shall be substantially as follows:

STATE OF NEW HAMPSHIRE

I, _____, of _____ do hereby request the printing of my name on the non-partisan ballot as candidate for the office of _____ at the annual meeting of said town _____, 19____. In support of said candidacy, I submit the following affidavits signed by legal voters in said town:

State of New Hampshire
County of _____

The above named _____ personally known to me, appeared and made oath that the above statement by him subscribed is true.

Justice of the Peace or Notary Public.

SUPPORTING AFFIDAVIT

State of New Hampshire
County of _____

I, _____, of _____ hereby join in the petition for the printing of the name of _____ on the non-partisan ballot as candidate for the office of _____ at the annual meeting of said town on _____, 19____. I certify that I am qualified to vote for a candidate for said office and am not, at this time, a signer of any other similar petition for any other candidate for said office.

State of New Hampshire
County of _____

The above named _____ personally known to me, appeared and made oath that the above statement by him subscribed is true.

Justice of the Peace or Notary Public

669:21 Number of Petitions. Any town may determine, by vote, the number of separate petitions which must be filed by a candidate, under the provisions of RSA 669:20, in order to have his name printed on the non-partisan ballot. In no case shall such required number be less than 5; and, in case no other number shall have been voted upon by a town, the number of petitions required shall be 5.

669:22 Withdrawal. Where a candidate had duly filed according to law for a non-partisan town election or where a party nominee has been certified to the clerk as provided in RSA 669:50 for a partisan town election, no withdrawal or declination of a candidate shall be accepted by the town clerk subsequent to the last dates for filing except if the candidate dies or shall make oath that he does not qualify for the public office for which he is filed because of age, domicile, or incapacitating physical disability acquired subsequent to his filing. If a candidate dies or withdraws himself as provided in this section, the town clerk shall not print the name of that candidate on the ballot. If the ballots have been printed, the clerk shall remove that name using pasters.

669:23 Preparation of Voting Materials. The town clerk shall prepare the official ballots for his town and shall arrange the names of candidates upon said ballots in parallel columns. Immediately above the names of each block of candidates shall be printed the title of the office for which they are candidates, such as "For Selectman". Below the title of each office shall be printed in small but easily legible type the words "Vote for" followed by a spelled number designating the number of persons to be elected to such office. Directly to the right of the name of each candidate there shall be a square. Whenever there are 2 or more candidates for the same office the names shall be printed upon the ballot in the alphabetical order of their surnames. Following the names printed on the ballot under the title of each office, there shall be as many blank lines as there are persons to be elected to that office.

669:24 Paper, Uniformity, Endorsement. The ballots shall be printed on plain white paper, in weight not less than that of ordinary printing paper. There shall be no impression or mark to distinguish one ballot from another. The names of all candidates shall be printed in uniform type and the ballots shall be folded so that their width and length when folded shall be uniform. On the back, or at the top of the face, of each ballot shall be printed the words "Official Ballot for the Town of _____", the date of the election and a facsimile of the signature of the town clerk who prepared the ballot.

669:25 Conduct. In towns which have adopted an official ballot system, the town election shall be conducted in the same

manner as a state general election as provided in RSA 658 and 659, except that all duties required to be performed by the secretary of state under those chapters shall be performed by the town clerk, and except that no copy of marked or unmarked checklists need be forwarded to the state library or federal district court as provided in RSA 659:102.

669:26 Absentee Voting. Every town which has adopted an official ballot system for town elections as provided in RSA 669:12 or 669:13, shall provide for absentee voting. Any registered voter who is absent from such a town on the day of a town election or who, by reason of physical disability, is unable to vote in person may vote at a town election in accordance with the provisions hereinafter set forth.

669:27 Forms. Prior to each such election, the clerk shall prepare in such quantities as he may deem necessary the following forms:

I. Official absent voting ballots similar in form to the official ballot to be used at said section, and similarly endorsed, but printed on paper differing in color from that used for official or sample ballots;

II. Blank forms of application for such ballots worded as follows:

To the clerk of _____,
I, _____, am a duly qualified voter and entitled to vote in _____ (insert name of town, city, village district or school district).

Mail absentee voter's ballot to:
(Signature) _____
(Street and number) _____
(Town, state and country) _____;

III. Envelopes of sufficient size to contain the ballots specified in paragraph I, on which shall be printed the following affidavit:

Absence. A person voting by absentee ballot because of absence from the place in which he is entitled to vote shall fill out and sign the following certificate:

I do hereby certify, under the penalties of perjury, that I am a duly qualified voter in the town (city, village district, school district) of _____, New Hampshire, that I will be absent on election day from said town (city, village district, school district) and will be unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed and that I personally marked the within ballot and enclosed and sealed it in this envelope.

(Signature) _____

Absence Because of Physical Disability. A person voting by absentee ballot because of physical disability shall fill out and sign the following certificate:

I do hereby certify, under the penalties of perjury, that I am a duly qualified voter in the town (city, village district, school district) of _____, New Hampshire, that on account of physical disability I am unable to vote in person; that I have carefully read the instructions forwarded to

me with the ballot herein enclosed, and that I personally marked the within ballot and sealed it in this envelope.

(Signature) _____;

IV. Return envelopes of size sufficient to contain the affidavit envelopes, addressed to the clerk upon which shall be printed, "Enclosed, is the ballot of an absentee voter", and at the top thereof blank spaces for the name, address, and voting place of the sender, with the words "name," and "address" appropriately printed thereon.

V. Mailing envelopes large enough to contain all of the above materials in which the town clerks shall mail or deliver them to absentee voters.

669:28 Instructions; Information. The secretary of state shall prepare for the use of the clerks such printed information and instructions, subject to the approval of the attorney general, as he shall deem appropriate to carry into effect the purposes hereof. The secretary of state shall furnish such material to the clerks of all towns, cities, village districts and school districts.

669:29 Application of Statutes. The procedure for absentee voting in town elections shall be the same as in state elections as provided in RSA 657:6, 11, 12, 14 through 18, and 22 through 24.

Recounts

669:30 Recounts; Application. If any person for whom a vote was cast and recorded for any office at a town election shall, before the expiration of 15 days from the date of the election, apply in writing to the town clerk for a recount of the ballots cast for such office, the clerk shall appoint a time for the recount not earlier than 7 days nor later than 10 days after the receipt of said application.

669:31 Notice; Fee. The clerk shall order the applicant to give notice thereof by giving to each of the opposing candidates, or leaving at his place of abode, a copy of the application at least 5 days prior to the day appointed for the recount of ballots. No other notice shall be required. The applicant shall pay to the town clerk, for the use of the town, a fee of \$10.

669:32 Board of Recount. At the time and place so appointed and notified, the clerk shall publicly break the seal of and open the package in which the ballots of said election are kept; and, thereupon, said ballots shall be recounted by the clerk, the moderator and the selectmen of said town who shall constitute the board of recount.

669:33 Preservation of Ballots after Recount. Upon the conclusion of the recount, the clerk shall place the ballots and all envelopes or wrappers which had previously contained them in a new envelope showing the contents and the date when and the reason why it was opened; and said clerk shall retain said ballots until the expiration of 30 days from the date of the meeting unless some action is pending which makes their further preservation necessary or unless enjoined by action brought before the superior court.

669:34 Declaration of Results. If after the recount of votes, it shall appear that a person was elected other than the person declared by the moderator to have been elected, the board of recount for said town shall declare such person elected and shall, after 5 days from such declaration, if no appeal is taken, certify such declaration to the town clerk. The town clerk shall record the certificate; and the person so declared to have been elected shall, unless the result is changed upon appeal to the superior court, be the duly elected officer of such town.

669:35 Appeal from Recount. Any person aggrieved by a ruling of the board of recount with respect to any ballot may, within 5 days thereafter, appeal to the superior court for the county in which such town is located; and such court shall have jurisdiction in equity to hear and determine the questions presented.

Tie Vote

669:36 Tie Vote. In case of a tie vote at any town election, except as provided for unofficial ballots in RSA 669:60, the winner shall be determined by lot by the town clerk in the presence of the candidates who are tied if, upon notice from him, they elect to be present.

Special Provisions for Partisan Ballot System

669:37 Nomination by Caucus. In a town which has adopted the partisan ballot system under RSA 669:12, nominations may be made by any caucus of legal voters representing a political party which at the state election next preceding polled at least 3 percent of the entire vote cast in the state for the office of governor.

669:38 Party Regulations. Any party qualified to hold a caucus may, in convention or by its recognized political committee, make regulations concerning the manner of holding the caucus consistent with the provision of this subdivision.

669:39 When Held. Any caucus held for the nomination of candidates for town officers shall be held at least 30 days prior to the town election at which such officers are to be elected.

669:40 Notice. All town caucuses shall be called by a notice posted in 4 conspicuous places in the town and published in some newspaper, if there be any published in the town, 10 days or more before the day of the caucus. Such notice shall specify the place, day and hour of meeting, and the time during which the polls shall be open for the reception of ballots.

669:41 Checklists. The checklist for use at any caucus shall be prepared by the local executive committee of the party holding the caucus. Notice of the times when, and places where, the executive committee shall meet for the purpose of receiving evidence and suggestions as to the make-up of the checklist shall be included in the notice of the caucus.

669:42 Filing. A candidate for nomination for office shall file his name, and a declaration of the office for which he is filing, with the clerk of the political party holding the caucus at least 5 days

before the date of the caucus. The clerk shall prepare the ballots to be used for said caucus and no other ballots shall be used at said caucus.

669:43 Ballots. Voting at the caucus shall be by ballot. The committee shall have full power to regulate the form, size and character of the ballots to be used.

669:44 Additional Polling Place. Any caucus held under the provisions of this subdivision in a town which has voted to adopt the provisions for an additional polling place may be held at the central polling place in said town and also at said additional polling place. The local executive committee of the party holding the caucus shall prepare a checklist for each polling place. The polls at the additional polling place shall close one hour prior to the closing of polls at the central polling place and the ballot boxes from the additional polling place shall be taken to the central polling place where they shall be opened and counted.

669:45 Hours of Polling. The time the polls shall be open at caucuses shall be fixed by the executive committee of the party in the town holding the caucus. In towns and wards having not more than 2,000 inhabitants, according to the last preceding national census, the polls shall be open not less than 2 hours, and, in those having more than 2,000 inhabitants according to such census, not less than 3 hours.

669:46 Additions. No name shall be placed on the checklist after the hour for opening the caucus has arrived except the name of a person whose right to vote in the caucus is well known to the executive committee.

669:47 Challenge. When the right of any person to vote in a caucus is challenged, he shall subscribe to the following oath or affirmation before his vote shall be received: I, _____, do solemnly swear (or affirm) that I am a legal voter in _____, and that I intend to vote the ticket of the party holding this caucus at the next election.

669:48 Prohibited Acts. No person shall vote in any caucus unless his name is on the checklist used by said caucus except as provided in RSA 669:46. No person shall vote using the name of any other person; and no person shall vote in the caucus of more than one political party, or, having voted in the caucus of a political party, sign the nomination papers of any other political party for that election. No person shall vote in any caucus unless he intends to support the ticket of the party holding the caucus at the next election.

669:49 Plurality; Certificates of Nomination. A plurality of votes shall be sufficient to nominate a candidate for town office by caucus. After the caucus, certificates of nomination shall be made and shall indicate the name and domicile of each candidate, the office for which he is nominated and the political principles or party he represents, and shall be signed by the chairman and clerk of the caucus or convention; and, when practicable, such certificates of nomination shall be signed by each candidate; but the absence of the signature of the candidate shall not

invalidate a certificate of nomination.

669:50 Filing Nominations; Certificate of Regularity. In filing nominations with the town clerk, the presiding officer of the caucus shall certify that the caucus was called and conducted according to the provisions of this subdivision. If nominations are not accompanied by such certificate, they shall not be placed upon the official ballot.

669:51 Filing Checklists. Within 48 hours after the close of any caucus, the presiding officer shall file with the town clerk the checklist used in the caucus; and the clerk shall keep the same for 60 days thereafter, in his office, open to the inspection of every citizen of such town, and shall not make nor permit to be made upon such checklist any mark whatever.

669:52 Nomination by Nomination Papers. As an alternative to nomination by party caucus, a candidate may have his name placed on a partisan town election ballot by submitting nomination papers. All the provisions of RSA 655:40 - 45 shall apply except that the duties performed by the secretary of state shall be performed by the town clerk. Fifty nomination papers shall be required for each town office for which a person files.

669:53 Penalty for Violations. Any person who shall violate any of the provisions of this subdivision shall be guilty of a misdemeanor. Any person who shall swear falsely in making oath under the provisions of this subdivision shall be guilty of perjury and punished accordingly.

By Unofficial Ballot

669:54 Nominations. In the election of officers by unofficial ballot, nominations of candidates for office shall be by motion at the town meeting.

669:55 Ballots. In the election of officers by unofficial ballot, the town clerk shall prepare and provide to the moderator pieces of white paper of uniform size and weight to be used as ballots. The ballots may, at the discretion of the clerk, have printed on them the names of the offices to be elected, such as "For Selectman," or "For Town Treasurer." However, no names of candidates shall be printed on the unofficial ballots.

669:56 Ballot Boxes. A suitable box shall be provided by the selectmen, at the expense of the town, in which to receive the ballots of the voters.

669:57 Conduct. Upon receipt of his ballot from the moderator, each voter shall write thereon the name of every person for whom he desires to vote. Each voter shall deliver his ballot to the moderator in open meeting; and the moderator, on receiving the ballot, shall direct the town clerk to check the name of the voter on the checklist, and shall, without inspecting the name of any person voted for, examine the ballot so far only as to determine whether the same contains more than one ballot; if it does not, he shall place the ballot in the ballot-box; but if it does, he shall make it manifest to the meeting and reject the same unless the voter shall correct his ballot.

669:58 Counting. When all votes have been cast, the moderator shall, in the open

meeting, sort and count the votes. The selectmen and town clerk shall assist in sorting and counting the votes; but no other person shall in any manner interfere therewith. After the counting, the moderator shall make a public declaration of the number of ballots cast, with the name of every person voted for and the number of votes for each; and the town clerk shall make a fair record thereof in the books of the town. No ballot shall be received and counted after the votes have been declared.

669:59 Blank Votes. If several offices are to be voted for upon the ballot, no person shall be required to vote for all. Any ballot which does not contain at least one vote for each office shall be regarded as a blank for the office omitted. Blank pieces of paper shall not be counted as ballots.

669:60 Majority to Elect; Tie Vote. In determining the results of any election by unofficial ballot, the whole number of persons voting for any office shall first be ascertained and then the vote for each candidate seeking said office. In order to win an office by unofficial ballot, a candidate must receive a majority of the votes cast for a certain office. In the case that more than one candidate receives a majority, the candidates with the largest majority of votes for the positions available shall be declared elected. In the event that 2 candidates receive an equal number of votes such that a winner cannot be determined, another balloting shall be taken.

Filling of Vacancies

669:61 Vacancies in Town Offices. Whenever a vacancy as defined in RSA 652:12 occurs in any elective town office or whenever a town neglects or refuses to fill an elective town office, said vacancy shall be filled by the action of that body or person authorized by law to appoint or elect such officer for a term ending upon the election and qualification of his successor, unless otherwise provided. Unless otherwise provided, at said next annual town election, the voters of the town shall then elect an officer for the full term provided by law or the balance of an unexpired term provided by law, as the case may be. If a town then refuses or neglects to fill said office, a vacancy shall be deemed again to exist.

669:62 Moderator. Vacancies in the office of town moderator, shall be filled by appointment made by the supervisors of the checklist of said town, or by the town selectmen, where no board of supervisors exists.

669:63 Selectmen. Vacancies in the board of selectmen shall be filled by appointment made by the remaining selectmen. Whenever the selectmen fail to make such appointment, the superior court or any justice thereof, on petition of any citizen of the town, and after such notice as the court shall deem reasonable, may appoint a suitable person to fill the vacancy.

669:64 Supervisors of the Checklist. Vacancies in the board of supervisors shall be filled by appointment made by the remaining supervisors. If there is only one member of the board, or if the whole board

shall be vacant, the moderator shall make the appointments. If a town elects supervisors by means of the partisan ballot system, any such appointee shall be of the same political party as the supervisor whose place he is filling.

669:65 Town Clerk. Vacancies in the office of town clerk shall be filled by appointment made by the selectmen except in towns in which pursuant to RSA 41:18 the selectmen have previously appointed a deputy town clerk, in which case the deputy shall serve as town clerk until the next annual town election.

669:66 Town Clerk-Tax Collector. Vacancies in the office of town clerk-tax collector shall be filled by appointment made by the selectmen.

669:67 Tax Collector. If a vacancy in the office of tax collector occurs before the incumbent thereof has completed the collection of the taxes committed to him, or if the collector is removed from office pursuant to RSA 41:40, the selectmen shall appoint some suitable person to collect the remainder of such taxes and to receive payments in redemption from the tax sales of his predecessor.

669:68 Town Auditors. Vacancies in the office of town auditor shall be filled by appointment made by the supervisors of the checklist. If a supervisor is also the town treasurer, he shall abstain from the decision on the appointment, and the other 2 supervisors shall make the appointment.

669:69 Town Treasurer. Vacancies in the office of town treasurer shall be filled by appointment made by the selectmen except in towns in which, pursuant to RSA 41:29-a, the treasurer has appointed a deputy treasurer, in which case the deputy shall serve as town treasurer until the next annual town election.

669:70 Municipal Planning Boards. Vacancies in the membership and alternates of a town's municipal planning board shall be filled as provided in RSA 36:7 and 36:7-a.

669:71 Municipal Budget Committee. Vacancies on the municipal budget committee shall be filled in accordance with RSA 32:2.

669:72 Municipal Utility Commissioners. Vacancies on a board of municipal utility commissioners shall be filled by the remaining members.

669:73 Trustee of the Trust Fund. Vacancies in the office of trustee of the trust fund shall be filled by appointment made by the board of selectmen for the remainder of the unexpired term.

669:74 Highway Agents. Vacancies in the office of elected highway agents shall be filled by appointment made by the board of selectmen for the remainder of the unexpired term.

669:75 Vacancies in Other Offices. Vacancies in the offices of constable, sewer commissioner, town assessor, overseers of public welfare, library trustee, and any other optional offices where no other method of filling a vacancy shall be provided by vote of the town shall be filled by appointment made by the board of selectmen.

CHAPTER 670 Village District Elections General Provisions

670:1 Election Dates. The election of village district officers shall be conducted at the annual meeting of the village district which shall be held in March, subsequent to the second Tuesday of the month. In the case of a district formed for the purpose of impoundment of water, such annual meeting may be held at another time if so voted at a previous meeting.

670:2 Officers Elected. The voters of each village district shall, at each annual village district election, elect a moderator, a clerk, 3 commissioners, a treasurer, and such other officers as may be directed by law or as the voters thereof may judge necessary for managing the district's affairs. Any village district voting to do so may elect one commissioner to serve for one year, one to serve for 2 years and one to serve for 3 years and, at every annual meeting thereafter, elect one commissioner to serve for 3 years. A village district officer shall assume office upon his election and qualification for office, and shall serve until the election and qualification of his successor.

670:3 Voters and Checklists. Any person having his domicile within the village district and qualified to vote as provided in RSA 654:1, 654:2 and 654:4 - 654:6 and whose name is on the village district checklist shall be entitled to vote in any village district election. Upon petition of 10 or more such voters to the commissioners of the village district before any meeting, the commissioners shall prepare, post, and correct a checklist of the legal voters of the district, in the same manner as the supervisors of the checklist in towns as provided in RSA 654:25 - 654:31 except that the session required by RSA 654:27 to be held 3 weeks before the election shall not be required. Such checklist shall be used in the election of district officers.

670:4 Nominations. To become a candidate for any village district office, a person must have a domicile in the village district. In any village district which has voted to elect district officers by non-partisan official ballot as provided in RSA 669:13, all candidates shall file a declaration of candidacy with the village district clerk, in the same manner as with the town clerk in town elections as provided in RSA 669:19 - 669:22, no earlier than 45 nor later than 30 days before the village district election.

Election Procedure

670:5 Warrant. Village district elections shall be warned by the commissioners in the same manner as town elections are warned by the selectmen as provided in RSA 669:2 and RSA 39.

670:6 Absentee Voting. A village district which has voted to elect officers by non-partisan official ballot as provided in RSA 670:7 shall provide for absentee voting in the same manner as in town elections as provided in RSA 669:26 - 669:29 except that all duties performed therein by

the town clerk shall be performed by the village district clerk.

670:7 Ballot Systems. A village district may vote to adopt the non-partisan official ballot system for the election of district officers in the same manner as towns, as provided in RSA 669:13 in which case it shall be subject to the provisions of RSA 669:13 and 669:19 - 669:24, except that duties performed therein by the town clerk, moderator and selectmen shall be performed by the village district clerk, moderator, and commissioners, respectively. A village district which has not adopted the non-partisan ballot system but which votes to elect district officers by ballot shall be subject to the provisions of RSA 669:54 - 669:60 for the unofficial ballot system in towns, except that duties performed therein by the town clerk, moderator, and selectmen shall be performed by the village district clerk, moderator, and commissioners, respectively. No village district may vote to adopt a partisan ballot system.

670:8 Non-Ballot Voting. A village district may vote to elect district officers by ballot or other means at the village district election or meeting in the same manner as towns as provided in RSA 669:17, except that duties performed therein by the town clerk, moderator and selectmen shall be performed by the village district clerk, moderator and commissioners, respectively.

Post-Election Procedure

670:9 Report to Commissioner of Revenue Administration. After the village district election, the clerk of a village district shall forthwith report the names and post office addresses of all village district officers to the commissioner of revenue administration. If any village district officer has not been elected or appointed at the time of the election, the village district clerk shall inform the commissioner of revenue administration of the name and mailing address of the person chosen to fill the position.

670:10 Tie Votes. If the 2 candidates having the highest number of votes for a village district office shall have an equal number, the successful candidate shall be chosen in the same manner as is provided for resolving tie votes under RSA 669:36 or 60.

670:11 Recounts. Recounts of village district elections shall be conducted in the same manner as in town elections as provided in RSA 669:27 - 669:35 except that the board of recount shall be composed of the village district clerk, moderator and commissioners, each of whom shall perform the duties of the corresponding officer in the town.

670:12 Vacancies. The commissioners shall make appointments to fill vacancies in the offices of village district clerk, moderator, and treasurer, and their own board. In the case of a vacancy in the office of commissioner with a 2 or 3-year term, the remaining commissioners shall make an appointment to fill said vacancy until the next annual meeting of the district, at which time a commissioner shall be elected to fill the unexpired term.

2 Repeal. The following are hereby repealed:

T. RSA 38:19, relative to filling vacancies in boards of commissioners.

TV. RSA 40:2, relative to filling a vacancy in the office of moderator.

III. RSA 41:1, relative to election of town officers.

TV. RSA 41:3-a, relative to appointments to fill elective office vacancies.

V. RSA 41:4, relative to the incompatibility of certain town offices.

VI. RSA 41:26-c, relative to appointments to fill vacancies in the office of town treasurer in towns where he serves a 3-year term.

VII. RSA 41:32, relative to appointment of town auditors.

VIII. RSA 41:37, relative to vacancies in the office of tax collector.

IX. RSA 41:51, relative to filling certain vacancies by election.

X. RSA 41:52, relative to filling vacancies by appointment.

XI. RSA 41:53, relative to vacancies in boards of selectmen.

XII. RSA 41:54, relative to appointments by the superior court.

XIII. RSA 52:7, relative to village district officers.

XIV. RSA 52:8-a, relative to reports to tax commission.

XV. RSA 52:9, relative to tenure of village district offices.

XVI. RSA 52:9-a, relative to vacancies in village district offices.

XVII. RSA 52:10, relative to vacancies in village district offices.

XVIII. RSA 52:15, relative to checklists in village districts.

XIX. RSA 61, relative to elections by unofficial ballot.

XX. RSA 202-A:9, relative to eligibility to hold office of library trustee.

XXI. RSA 245:13, relative to term of office of highway agents.

XXII. RSA 752:21, relative to vacancies in the board of sewer commissioners.

3 Domicile Required. Amend RSA 32:2 (supp) as amended by striking out said section and inserting in place thereof the following:

32:2 Budget Committee. The budget committee shall consist of 3, 6, 9 or 12 members-at-large as the meeting adopting the provisions hereof shall by vote determine, and one member chosen by the school board of each school district wholly within said town, and one member of the board of commissioners of each village district wholly within said town to be designated by said board, and one member of the board of selectmen to be designated by said board. The members-at-large may either be appointed by the moderator or elected by the town meeting as any annual meeting may by vote determine under a proper article in the warrant for said meeting; provided, however, the members-at-large shall have domiciles in said town at time of election or appointment and provided, further, that no selectman, town manager, member of the school board or village district commissioner shall serve as a member-at-large. One of said members-at-large shall be elected by the budget committee as chairman. If said

members-at-large are elected at the town meeting it shall be by majority vote by ballot or acclamation of those present and voting, except as provided in RSA 32:3. Where said members-at-large are appointive such appointments shall be made within 30 days after the annual town meeting. One third of the members-at-large shall hold office for one year, 1/3 for 2 years, and 1/3 for 3 years and each year thereafter 1/3 shall be elected or appointed for a term of 3 years and until their successors are elected or appointed and qualified. Vacancies in the membership-at-large shall be filled by appointment by the moderator and such appointment shall be made within 5 days from the creation of the vacancy. Such appointees shall hold office until the next annual town meeting. The members selected by the school board, the village district commissioners and the selectmen shall hold office for one year and until their successors are qualified. A member-at-large shall cease to hold office immediately upon missing 4 consecutive scheduled or announced meetings without being excused by the chairman or when a member ceases to have a domicile in said town. Upon the happening of either occurrence, the chairman shall request the moderator to fill the vacancy.

4 Members of Planning Board. Amend RSA 36:4 (supp) as amended by striking out said section and inserting in place thereof the following:

36:4 Personnel of a Planning Board.

I. In the case of cities, the planning board shall consist of 9 members, namely, the mayor, one of the administrative officials of the municipality who shall be selected by the mayor, and a member of council who shall be selected by it, as members ex officio, and 6 persons who shall be appointed by the mayor, if the mayor be an elective officer, otherwise by such officer as the council may in the ordinance creating the planning board designate as the appointing power.

II. In the case of towns, the planning board shall consist of either 5 or 7 members, at the option of the town meeting, and the membership may be filled as provided in subparagraph (a) or (b).

(a) The selectmen of the town may choose one selectman to act as an ex officio member, and appoint 4 or 6 other persons, depending upon whether the entire planning board includes 5 or 7 members, respectively.

(b) The town, by majority vote at the town meeting, may decide to elect the members of the planning board. If such a procedure is adopted at the town meeting, the planning board members shall be elected at the next regular town election as provided in RSA 669:37.

III. In the case of village districts, the planning board shall consist of either 5 or 7 members, at the option of the village district meeting, including in either case one district commissioner who shall be selected by the district commissioners to act as an ex officio member, and 4 or 6 persons, depending upon whether the entire planning board includes 5 or 7 members, respectively, who shall be appointed by the district commissioner.

IV. The ex officio members shall be voting members of the respective boards.

5 Penalty for No Warrant. Amend RSA 39:13 (supp) as amended by striking out said section and inserting in place thereof the following:

39:13 Penalty for Failure to Give Notice. If the selectmen neglect to issue a warrant for any town meeting or town election or neglect to cause copies of such warrant, if not directed to a constable, to be duly posted, or notice of such meeting or election to be given agreeably to any vote of the town, they shall for each offense be guilty of a violation and any fines collected shall be remitted to the town.

6 Amend RSA 40:1 (supp) as amended by 1977, 435:1 by striking out said section and inserting in place thereof the following:

40:1 Election. Every 2 years commencing in 1978 or 1979, as applicable, a moderator shall be chosen by ballot, by plurality vote. The moderator so chosen shall assume office upon the adjournment of the regular town business meeting held in that year in accordance with RSA 39:1 or 39:2-a and upon his qualification for office, whichever is later. He shall serve through the adjournment of the regular town business meeting 2 years following his election and until the qualification of his successor, whichever is later. The election of the moderator in a town shall be at the annual meeting in every even numbered year. The election of moderators in city wards shall be at every other regular city election.

7 Referendum. Amend RSA 41:8-b as inserted by 1967, 325:1 by striking out said section and inserting in place thereof the following:

41:8-b Petition and Ballot. Upon written petition of not less than 2 percent of the legal voters of any town, addressed and delivered to the selectmen not later than 35 days before any annual meeting, the following question, as requested in the application, shall be submitted to the voters at the meeting: "Are you in favor of increasing the board of selectmen to 5 members?" In towns having an official ballot the question shall appear upon the ballot, pursuant to RSA 656:13. In towns where no official ballot is used, the vote on this question shall be by special ballot. After the question, squares with the words "yes" and "no" shall be printed on the ballot in which the voter may mark his choice, pursuant to RSA 656:13.

8 Referendum Revoked. Amend RSA 41:8-d as inserted by 1967, 325:1 by striking out said section and inserting in place thereof the following:

41:8-d Revocation. A town which has voted to enlarge its board of selectmen as provided in RSA 41:8-a may rescind its action in the same manner, and the provisions of RSA 41:8-b so far as applicable apply. The question "Are you in favor of decreasing the board of selectmen to 3 members?" shall be printed on the ballot, pursuant to RSA 656:13.

9 Town Clerk's Term. Amend RSA 41:16-b as inserted by 1969, 257:2 by striking out said section and inserting in place thereof the following:

41:16-b Town Clerk.

I. At any annual town meeting under an article in the warrant placed there by petition, the voters may vote to determine if they are in favor of having a 3-year term for town clerk. If the town has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the term of the town clerk from one year to 3 years, beginning with the term of the town clerk to be elected at next year's regular town meeting?" Said question shall be printed in the form prescribed by RSA 656:13. If the town has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used to determine the vote of the town. If a majority of those voting on the question vote in favor of a 3-year term, at the next annual meeting after the vote of approval, the town shall elect a town clerk, for the 3-year term. The duties and bond of the town clerk for a 3-year term are the same as for a one-year term under RSA 41:16.

II. After a 3-year term for town clerk has been established, at any annual town meeting held the year before the end of the 3-year term, under an article in the warrant placed there by petition, the voters may vote to determine if they are in favor of continuing to have a 3-year term for the town clerk. If the town has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the term of the town clerk from 3 years to one year, beginning with the term of a town clerk who shall be elected at next year's regular town meeting?" Said question shall be printed in the form prescribed by RSA 656:13. If the town has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used to determine the vote of the town. If a majority of those voting on the question do not vote in favor of continuing the 3-year term at the next annual town meeting the voters shall elect a clerk for a one-year term.

III. The provisions of this section shall apply to any town having a population of 4,500 inhabitants or over.

10 Town Treasurer's Term. Amend RSA 41:26-b as inserted by 1969, 257:3 by striking out said section and inserting in place thereof the following:

41:26-b Town Treasurer.

I. At any annual town meeting under an article in the warrant placed there by petition, the voters may vote to determine if they are in favor of having a 3-year term for the town treasurer. If the town has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the term of the town treasurer from one year to 3 years, beginning with the term of the town treasurer to be elected at next year's regular town meeting?" Said question shall be printed in the form prescribed by RSA 656:13. If the town has not adopted an official ballot, the clerk shall cause the same question to be printed upon special

ballots which shall be used to determine the vote of the town. If a majority of those voting on the question vote in favor of a 3-year term at the next annual meeting after the vote of approval, the town shall elect a town treasurer for the 3-year term.

II. After a 3-year term for town treasurer has been established, at any annual town meeting held the year before the end of the 3-year term, under an article in the warrant placed there by petition, the voters may vote to determine if they are in favor of continuing to have a 3-year term for the town treasurer. If the town has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the term of the town treasurer from 3 years to one year, beginning with the term of a town treasurer who shall be elected at next year's regular town meeting?" Said question shall be printed in the form prescribed by RSA 656:13. If the town has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used to determine the vote of the town. If a majority of those voting on the question do not vote in favor of continuing the 3-year term, at the next annual town meeting, the voters shall elect a treasurer for a one-year term.

III. The provisions of this section shall apply to any town having a population of 4,500 inhabitants or over.

11 Absent Clerk. Amend RSA 41:17 by striking out said section and inserting in place thereof the following:

41:17 Clerk Pro Tem. If the town clerk shall be absent from any town business meeting and there is no deputy clerk to act in his stead, the town shall choose by unofficial ballot by majority vote a town clerk pro tempore who shall be sworn and shall perform all the duties of the town clerk for that business meeting.

12 Town Clerk - Tax Collector Vacancy. Amend RSA 41:45-c as inserted by 1969, 450:1 by striking out said section and inserting in place thereof the following:

41:45-c Temporary Absence. A temporary absence in the office of town clerk-tax collector shall be filled by appointment made by the selectmen for the period of the town clerk-tax collector's absence.

13 Absent Road Agent. Amend RSA 245:11 by striking out said section and inserting in place thereof the following:

245:11 Temporary Absence. In the event of a temporary absence or disability in the office of highway agent, the selectmen may appoint some competent person for the period of such disability or absence.

14 Voters in City Elections. Amend RSA 49-A:5 as inserted by 1963, 275:1 by striking out said section and inserting in place thereof the following:

49-A:5 Voters, Checklists, Polling Hours. Any person having his domicile within the city and qualified to vote as provided in RSA 654:1 - 654:2 and 654:4 - 654:6 shall be qualified to vote in city elections. The supervisors of the checklist shall prepare, post, and revise the checklist for city elections in the same manner as for a state election as provided

in RSA 654:25 - 654:31 except that the session provided for in RSA 654:27 to be held on the Tuesday 3 weeks prior to the election shall not be required. The polls shall be open at each city election during such hours as the charter may provide, but in any event for not less than 10 hours.

15 Absentee Voting in City Elections. Amend RSA 44 by inserting after section 13 the following new section:

44:13-a Absentee Voting. All cities shall provide for absentee voting at city elections. The provisions of RSA 669:76 through 669:29 shall apply, except that all the duties performed therein by the town clerk shall be performed by the city clerk.

16 Qualifications to Vote in City Elections. Amend RSA 44:5 by striking out said section and inserting in place thereof the following:

44:5 Voters and Checklists. Any person having his domicile within the city, qualified to vote as provided in RSA 654:1 - 654:2 and 654:4 - 654:6 and whose name is on the checklist shall be qualified to vote in city elections. The supervisors of the checklist shall prepare, post, and revise the checklist for city elections in the same manner as for a state election as provided in RSA 654:25 - 654:31 except that the session provided for in RSA 654:27 to be held on the Tuesday 3 weeks prior to the election shall not be required.

17 New Section. Amend RSA 49-A by inserting after section 5 the following new section:

49-A:5-a Provisions for Partisan Systems. Candidates for mayor, alderman-at-large or councilman-at-large may be nominated by any political party in a general city caucus, or by a convention of delegates chosen by a caucus held by each ward. Candidates for offices elected by wards may be nominated by ward caucuses or may submit nomination papers as provided in RSA 655:40 - 655:45. Fifty nomination papers shall be required for each ward office for which a person files unless the city charter specifies otherwise. A city or ward caucus shall be conducted as provided in RSA 669:37 - 669:53. A city-wide convention shall be conducted as provided in RSA 655:57 - 655:67 and 655:80 except that all the duties to be performed therein by the secretary of state shall be performed by the city clerk.

18 New Absentee Voting Section. Amend RSA 49 by inserting after section 6 the following new section:

49-A:6-a Absentee Voting. All cities shall provide for absentee voting at city elections. The provisions of RSA 669:26 - 669:29 shall govern such voting, except that all duties performed therein by the town clerk shall be performed by the city clerk.

19 Election of Checklist Supervisors. Amend RSA 41 by inserting after section 46 the following new section:

41:46-a Election of Supervisors of the Checklist. The board of supervisors of the checklist shall consist of 3 legal voters of the town. At the annual town election held in every even numbered year, the voters of each town shall elect, by ballot, one supervisor for a term of 6 years, provided that the supervisor elected at the state

general election in 1974 shall serve until the annual town election in 1980, and that the supervisor elected at the state general election in 1976 shall serve until the annual town election in 1982.

20 Library Trustees; Vacancies. Amend RSA 202-A:10 as amended by striking out said section and inserting in place thereof the following:

202-A:10 Library Trustees; Vacancies. Vacancies occurring on any board of library trustees in a town shall be filled as provided in RSA 669:99. A vacancy occurring among the publicly elected members of the board of library trustees of a city library shall be filled by the city council or other appropriate appointing authority within 2 months of the notice by the remaining members of the board of trustees. The board of library trustees may recommend to the appointing authority names of persons for appointment to vacancies on expired terms.

21 Voters in City Elections. Amend RSA 49-A:5 as inserted by 1963, 275:1 by striking out said section and inserting in place thereof the following:

49-A:5 Voters, Checklists, Polling Hours. Any person having his domicile within the city, qualified to vote as provided in RSA 654:1 - 654:2 and 654:4 - 654:6 and whose name is on the checklist shall be qualified to vote in city elections. The supervisors of the checklist shall prepare, post, and revise the checklist for city elections in the same manner as for a state election as provided in RSA 654:25 - 654:31 except that the session provided for in RSA 654:27 to be held on the Tuesday 3 weeks prior to the election shall not be required. The polls shall be open at each city election during such hours as the charter may provide, but in any event for not less than 10 hours.

22 Correct References. Any cross reference in the RSA to a section of the RSA repealed by this act shall be considered to be a reference to the appropriate section of section 1 of this act.

23 Authority to Conform Laws. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws enacted by the 1979 session of the general court that may be necessary for the purpose of conforming the language of such legislation to the language of this act, providing that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1979 session laws.

24 Effective Date. This act shall take effect on the same day as 1979 House Bill 575.

Rep. Vaughan explained the amendment Rep. Flanagan spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 780, relative to school district elections. Ought to Pass with Amendment. This bill codifies the statutes regarding school district elections.

Vote was 9-0. Rep. Kenneth A. Randall for Statutory Revision.

Amendment

Amend RSA 671:22, II, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. Any school district as defined in paragraph I may at any annual or special meeting under an article in the warrant for such meeting vote to elect its district officers by separate ballot at the town election in such town, and may rescind such action in like manner. Such action shall not take effect until the calendar year next following the year in which such vote is taken. The newly elected officers shall take office at the close of the town meeting at which they are elected; provided, however, that if the annual school district meeting is held subsequent to this town meeting, they shall take office at the close of the annual school district meeting and that the treasurer shall take office at the close of the fiscal year of the school district.

III. Nothing herein shall preclude other appropriate coordination of school district and town elections consistent with all the applicable requirements of law where school district and town meetings are simultaneously in session and school districts have duly voted to adopt as official for school district purposes the town checklist, polling place, and election machinery.

IV. Nothing in the provisions for election of school district officers at town meetings shall be construed as affecting any city charter, nor is a city authorized to adopt the provisions hereof.

Amend the bill by striking out sections 3, 4, 5, 6, 7 and 8 and inserting in place thereof the following:

3 Cooperative School District. Amend RSA 195:4, II, as amended by striking out said paragraph and inserting in place thereof the following:

II. ELECTION OF OFFICERS. Every cooperative school district organized prior to July 1, 1963, may continue to elect the members of its cooperative school board in the same manner and for the same terms as were provided by law immediately prior to the effective date of this act. Every such school district may, as provided in RSA 195:19 and RSA 671:8 and 9, adopt a by-law to specify the number, composition, method of selection, and terms of office of its cooperative school board; provided that its cooperative school board shall consist of an odd number of members, not more than 15 for terms not exceeding 3 years.

4 Sentence Deleted. Amend RSA 195:12-a as inserted by 1961, 206:6 as amended by striking out said section and inserting in place thereof the following:

195:12-a Budget Committee.

I. A cooperative school district at an annual meeting, under a proper article in the warrant, may vote to establish a budget committee and may rescind such action in a like manner. The budget committee shall have the same number of members as the cooperative district school board plus one

additional member from the school board as hereinafter provided in this paragraph. The terms of office and manner of election of members shall be determined in the same manner as for the cooperative school board. Whenever it is voted to establish a budget committee, the moderator in the first instance shall appoint the members thereof except for the additional member appointed from the school board within 15 days of the vote establishing the committee. The members appointed by the moderator shall serve until the next annual meeting when the meeting shall elect their successors. No member of the cooperative school board shall be appointed or elected to the budget committee except that the chairman of the cooperative school board shall appoint a member of the board to serve on the budget committee with all the powers and duties of any other member of the committee. After appointment or election the budget committee shall promptly organize and choose a chairman, vice chairman, and secretary. The secretary shall keep records of the proceedings of the budget committee, which shall be public records open to public inspection.

II. Such cooperative school budget committee shall have the powers and duties of the municipal budget committee under the provisions of RSA 32 in so far as the budget for the cooperative school district is concerned and in so far as RSA 32 is applicable to the cooperative school budget.

III. Such committee shall seasonably provide the cooperative school board with a sufficient number of copies of the budget prepared by it, and the same shall be posted with each copy of the warrant in the manner provided by RSA 195:13.

5 Warrant Requirements. Amend RSA 197:1-g as inserted by 1963, 195:1 by striking out said section and inserting in place thereof the following:

197:1-g Posting Warrants. If the annual meeting of the school district for other business is to be held at some other time than at the town meeting the school board shall post the warrant for said annual meeting omitting the article relative to election of district officers. The school warrant for the election of district officers shall prescribe the time the polls are to open and also an hour before which the polls may not close. Said prescribed times shall be the same as those set for the opening and closing of polls for the town meeting.

6 Powers and Duties. Amend RSA 197:19 as amended by striking out said section and inserting in place thereof the following:

197:19 Moderator. The moderator shall have the like power and duty as a moderator of a town meeting to conduct the business and to preserve order, and in the conduct of a school district meeting, all the statutory duties, powers and authority granted to town moderators, and may administer oaths to district officers and in the district business.

7 Correct References. Any cross reference in the RSA to a section of the RSA repealed by this act shall be considered to be a reference to the appropriate section of section 1 of this act.

8 Authority to Conform Laws. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws enacted by the 1979 session of the general court that may be necessary for the purpose of conforming the language of such legislation to the language of this act, providing that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1979 session laws.

9 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 791, concerning a minimum residency requirement for certain candidates. Refer to the Committee on Statutory Revision for Interim Study.

This bill concerns district residency requirements. The Committee would like to study the constitutionality of this bill. Vote was 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

Referred to the Committee on Statutory Revision for Interim Study.

HB 806, relative to political contributions, expenditures and advertising. Ought to Pass.

This bill, prepared by the Attorney General and a legislative committee, unifies and clarifies the laws relative to political contributions, expenditures and advertising. Vote was 10-0. Rep. Natalie S. Flanagan for Statutory Revision.

Ordered to third reading.

HB 1214, relating to equalizing residency requirements. Refer to the Committee on Statutory Revision for Interim Study.

This bill of intent addresses equalizing residency requirements. Committee would like to continue its study of this important subject. Vote was 10-0. Rep. Natalie S. Flanagan for Statutory Revision.

Referred to the Committee on Statutory Revision for Interim Study.

RECESS

Rep. Spirou requested a quorum count. The Speaker declared a quorum present.

COMMITTEE REPORTS (cont.)

VACATE

Rep. French moved that the House vacate the reference of CACR 16, relating to meetings of the legislature. Providing that the legislature shall meet in annual sessions and receive mileage for not more than 90 legislative days during the biennium, to the Committee on Constitutional Revision.

Adopted.

CACR 16, relating to meetings of the legislature. Providing that the legislature shall meet in annual sessions and receive mileage for not more than 90 legislative days during the biennium.

The Committee tied (8-8) both on Ought to Pass and Inexpedient to Legislate and was unable to reach a decision.

Therefore there is no report and a motion to vacate the bill will be made, placing the bill before the House.

Inexpedient to Legislate: The Committee was unable to agree. This question has been put before the voters several times and has been defeated. Vote was 8-8.

Rep. George I. Wiggins for the Majority of Constitutional Revision.

Ought to Pass: Annual sessions will allow adequate time to study, review, and process legislation. It will allow realistic budgeting and oversight. It will prevent unnecessary and uncontrolled special sessions. Reps. Betty B. Hall, Gail C. Morrison, Jane B. Holliday and Barbara J. Underwood for Minority of Constitutional Revision.

Rep. French moved that CACR 16 be reported Ought to Pass, spoke to his motion and yielded to questions.

Rep. Aldrich spoke against the motion.

Rep. Wilfrid Boisvert spoke in favor of the motion.

Rep. Joseph Eaton requested a quorum count.

The Speaker declared a quorum present.

Reps. Joseph Eaton and Wiggins spoke against the motion.

Reps. Pine, Quimby and McLane spoke in favor of the motion.

Reps. Morgan, Morrison and Hall spoke in favor of the motion and yielded to questions.

Rep. Joseph Cote spoke against the motion and yielded to questions.

Rep. Krasker requested a quorum count.

The Speaker declared a quorum present.

Rep. Spirou spoke in favor of the motion and yielded to questions.

Rep. Aldrich requested a Division.

The Speaker appointed Reps. Milton Cate, Corey, Tavitian, Mann and Scamman as tellers.

253 members having voted in the affirmative and 78 in the negative, the motion was adopted by the required affirmative votes of three-fifths of the entire membership.

SUSPENSION OF RULES

Rep. French moved that the rules be so far suspended as to permit CACR 16 to be ordered to third reading at the present time.

Adopted by the necessary two-thirds.

Question being shall CACR 16 be read a third time and passed.

260 members having answered in the affirmative and 67 in the negative, CACR 16 was read a third time and passed by the required affirmative votes of three-fifths of the entire membership.

Third reading and final passage

CACR 16, relating to meetings of the legislature. Providing that the legislature shall meet in annual sessions and receive mileage for not more than 90 legislative days during the biennium.

SENATE MESSAGE
CONCURRENCE

HCR 8, concerning the budget of the United States.

COMMITTEE REPORTS (cont.)

HCR 10, ratifying the proposed amendment to the Constitution of the United States giving the District of Columbia representation in Congress. Ought to Pass.

Vote 10-3. Rep. Joseph M. Eaton for Constitutional Revision.

Rep. Gosselin moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to his motion.

Rep. Spanos spoke against the motion and yielded to questions.

(Rep. French in the Chair)

Reps. Warburton, Ernst, William Riley, Bibbo, Granger and O'Connor spoke in favor of the motion.

Reps. Chambers and David Campbell spoke against the motion.

Reps. Bodi and Griffin spoke against the motion and yielded to questions.

Rep. Bosse requested a quorum count. The Chair declared a quorum present.

Reps. Ward and Bosse spoke in favor of the motion.

Rep. Lvons spoke against the motion. A quorum count was requested.

The Chair declared a quorum present.

Rep. Lessard spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 223 NAYS 107
YEAS 223

BELKNAP: Beard, Birch, Bordeaux, Hanson, Mansfield, Matheson, Morin, Sabbow and Sanders.

CARROLL: Roderick Allen, Chase, Dickinson, Heath, Howard, Kenneth Smith and Towle.

CHESHIRE: Dostilio, Daniel Eaton, Ernst, Galloway, Johnson, Kohl, Ladd, Matson, Miller, Moore, O'Connor, William Riley, Scranton and Jean White.

COOS: Elmer Beaulac, Brungot, Burns, Chappell, Fortier, Guay, Bradley Haynes, Horton, Richardson, Wiswell and York.

CRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Christy, Dearborn, LaMott, Logan, Low, Lowmes, Mann, McAvoey, McIver,

Pepitone, Rounds, Seely, Snell, Taffe, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Archambault, Aubut, Baker, Wilfrid Boisvert, Bosse, Brack, Burkush, Carswell, Compagna, Corey, Joseph Cote, Craig, L. Penny Dion, Dolbec, Donovan, Peter Flynn, Gabrielle Gagnon, Nancy Gagnon, Granger, Sal Grasso, Heald, Healy, Howard Humphrey, Jamrog, Karnis, Keefe, Lahombarde, Lamy, Lefebvre, Levesque, Madigan, Mazur, McCarthy, McLaughlin, Morgan, Morrison, Murray, Naro, Odell, Aime Paradis, Perkins, Peters, Plomaritis, Podles, Polak, Record, Roy, Sallada, Silva, Edward Smith, Stylianos, James Sullivan, Thibeault, Rock Tremblay, Vachon, Van Loan, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Allgeyer, Ayles, Bellerose, Bibbo, John Cate, Milton Cate, Clements, Daniell, Hill, James Humphrey, Kidder, LaBranche, Locke, Mitchell, Nichols, Packard, Plourde, Randlett, Doris Riley, Shepard, Gerald Smith, Stockman, Rick Trombly, Waters and Wiviott.

ROCKINGHAM: Appel, Benton, Blake, Butler, Marilyn Campbell, Collins, Patricia Cote, Roy Davis, Robert Day, Ellyson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gould, Hartford, Hoar, Jones, Kane, Kashulines, Roger King, Kozacka, LoFranco, Lovejoy, Norman Myers, Nelson, Newell, Newman, Parolise, Parr, Pevear, Reese, Rogers, Scamman, Schmidtchen, Schwaner, Skinner, Freda Smith, Stickney, Stimmell, Sytek, Tavitian, Tufts, Warburton, Helen Wilson, Woinowski, Wolfson and Woodman.

STRAFFORD: Canney, Ronald Chagnon, Donnelly, Farnham, Gauvin, Gosselin, Hebert, James Herchek, Joos, Meader, Morrisette, Nadeau, Pray, Donald Smith, Tripp and Whitehead.

SULLIVAN: Burrows, Cutting, D'Amante, Domini, Sim Gray, Palmer, Spaulding and Wiggins.

NAYS 107

BELKNAP: Bowler, Gary Dionne, Downs, French, Hildreth and Randall.

CARROLL: None.

CHESHIRE: Close, Crane, Jesse Davis, Proctor, Margaret Ramsay, Russell and Vrakatisis.

COOS: Mayhew, Oleson, Theriault and Willey.

CRAFTON: Chambers, Copenhagen, Corrv, Michael King and Walter.

HILLSBOROUGH: Boyer, Corser, Catherine-Ann Day, Beverly Dupont, Raymond Dupont, Joseph Eaton, Gelinas, Guidi, Hall, Head, Hendrick, Thomas Hynes, Kaklamanos, Roland Lemire, Lyons, Milton Meyers, Mulligan, Nardi, Nemzoff-Berman, Pappas, Pastor, Proulx, Peter Ramsey, Reid, Leonard Smith, Soucy, Spirow, Francis Sullivan, Wallin, Robert Wheeler and Zaidel.

MERRIMACK: Blakeney, Bodi, Carroll, Colby, Epstein, Holliday, McLane, O'Neill, Selway, Stokes, Trachy, Underwood and Ernest Valliere.

ROCKINGHAM: Aeschliman, Blanchette, William Boucher, Connors, Dunfee, Gibbons, Greene, Griffin, Jackson, Krasker, Landry, Laycock, Leslie, Joseph MacDonald, McEachern, Pantelakos, Peterson, Pucci, Quimby, Splaine, Vartanian and Vlack.

STRAFFORD: Burchell, DeNafio, Charles Grassie, Dianne Herchek, Lessard, Pine, Dennis Ramsey, Robinson, Sackett, Schreiber, Valley, Vaughan and Allen Wilson.

SULLIVAN: Brodeur, David Campbell, LeBrun, Spanos, Townsend and Williamson, and the motion was adopted.

Question being on the substituted committee report, Inexpedient to Legislate. Committee report adopted.

HCR 11, to apply to congress of the United States to call a convention to propose an amendment to protect the lives of the unborn. Majority: Inexpedient to Legislate. Minority (Reps. McIver and Shepard): Ought to Pass.

MAJORITY: The majority of the Committee felt it is unwise to call for another Constitutional Convention to propose an amendment to the Constitution on this private moral issue. Such an amendment would limit personal freedom and put government between a woman and her doctor. Vote was 6-5, 7 members were absent for this Fast Day vote. Rep. Gail C. Morrison for Majority of Constitutional Revision.

MINORITY: This great controversy needs to be brought out into the open and resolved. Congress has avoided the issue. Article 5 of the Constitution provides a positive safety valve for the people to effect change or provide a strong stimulant for Congressional action. Legalized abortion could conceivably lead to indiscriminate political killing. Reps. Neil F. McIver and Irene J. Shepard for Minority of Constitutional Revision.

Rep. Spiro moved that HCR 11 be laid upon the table.

Rep. Morrison requested a roll call. Sufficiently seconded.

(Speaker presiding)
YFAS 252 NAYS 68
YEAS 252

BELKNAP: Beard, Birch, Bordeau, Bowler, Cary Dionne, Downs, French, Hanson, Hildreth, Mansfield, Matheson, Randall and Sanders.

CARROLL: Chase, Heath, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Close, Crane, Jesse Davis, Dostilio, Daniel Eaton, Galloway, Kohl, Ladd, Matson, Miller, Moore, Proctor, Margaret Ramsay, William Riley, Russell, Scranton and Vrakatisis.

COOS: Elmer Beaulac, Brungot, Burns, Chappell, Fortier, Bradley Haynes, Horton, Mayhew, Oleson, Richardson, Theriault, Wiswell and York.

GRAFTON: Ira Allen, Buckman, Chambers, Copenhaver, Crory, Dearborn, Michael King, Logan, Lowmes, Mann, McAvoy, Pepitone, Rounds, Seely, Taffe, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Archambault, Aubut, Bosse, Bover, Brack, Burkush, Corser, Catherine-Ann Day, L. Penny Dion, Dolbec, Beverly Dupont, Raymond Dupont, Joseph Eaton, Sal Grasso, Guidi, Hall, Head, Hendrick, Howard Humphrey, Thomas Hynes, Janrog, Kaklamanos, Karnis, Keefe, Lefebvre, Roland Lemire, Madigan, Mazur, McLaughlin, Morrison, Mulligan, Murrav, Nemzoff-Berman, Odell, Pappas, Aime Paradis, Pastor, Perkins, Peters, Plomaritis, Polak, David Ramsay, Peter Ramsey, Reidy, Roy, Sallada, Edward Smith, Leonard Smith, Soucy, Spiro, James Sullivan, Thibeault, Vachon, Van Loan, Wallin, Flot Ware, Welch, Kenneth Wheeler, Robert Wheeler, M. Arnold Wight and Zajdel.

MERRIMACK: Allgever, Ayles, Bellerose, Blakeney, Bodi, Carroll, John Cate, Milton Cate, Colby, Epstein, Hill, Holliday, James Humphrey, Kidder, LaBranche, McLane, Mitchell, Nichols, O'Neill, Packard, Doris Rilev, Selway, Gerald Smith, Stockman, Stokes, Trachy, Rick Trombly, Underwood, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Blanchette, William Boucher, Butler, Marilyn Campbell, Collins, Connors, Patricia Cote, Roy Davis, Robert Day, Dunfee, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Griffin, Hoar, Jackson, Kozacka, Krasker, Landry, Laycock, Leslie, Joseph MacDonald, Norman Myers, Nelson, Newell, Pantelakos, Parolise, Parr, Peterson, Pevear, Pucci, Quimby, Reese, Rogers, Scamman, Schmidtchen, Skinner, Freda Smith, Stickney, Stimmell, Tufts, Vartanian, Warburton, Helen Wilson, Wojnowski, Wolfson and Woodman.

STRAFFORD: Burchell, Cannev, Ronald Chagnon, DeNafio, Donnelly, Gauvin, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joos, Meader, Morrisette, Nadeau, Prav, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Valley, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Brodeur, David Campbell, Cutting, D'Amante, Domini, Palmer, Spanos, Spaulding, Townsend and Williamson.

NAYS 68

BELKNAP: Sahbow.

CARROLL: Roderick Allen, Dickinson and Howard.

CHESHIRE: Ernst, Johnson, O'Connor and Jean White.

COOS: Guay.

GRAFTON: Aldrich, George Gate, Christy, Low, McIver and Snell.

HILLSBOROUGH: Baker, Wilfrid Boisvert, Carswell, Compagna, Corey, Joseph Cote, Craig, Donovan, Peter Flynn, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Heald, Healy, Labombarde, Levesque, McCarthy, Milton Meyers, Morgan, Naro, Podles, Proulx, Silva, Stylianos, Francis Sullivan, Rock Tremblay, Weaver and Emma Wheeler.

MERRIMACK: Bibbo, Clements, Daniell, Locke, Randlett and Shepard.

ROCKINGHAM: Blake, Ellyson, Hartford, LoFranco, Lovejoy, Newman, Schwaner, Splaine, Sytek, Tavitian and Vlack.

STRAFFORD: Farnham, Pine and Dennis Ramsey.

SULLIVAN: Burrows, Sim Gray, LeBrun and Wiggins, and HCR 11 was laid upon the table.

Rep. French moved that debate on all remaining reports be limited to one half hour equally divided, including questions. Adopted.

The Speaker called for the Special Order.

HB 619, imposing a mandatory minimum sentence for conviction of operating under the influence of intoxicating liquor or controlled drug with another's death resulting. Inexpedient to Legislate.

Although the Committee is sympathetic with the intent of the sponsors, it recently recommended and the House passed a major revision to the DWI law. Further revision is unwise until the impact of the new law has been felt. Vote was 15 - 1 on report. Rep. Richard E. Boyer for Judiciary.

Rep. Brack moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Rep. Parolise spoke in favor of the motion.

Reps. Carswell and Boyer spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 74 NAYS 171

YEAS 74

BELKNAP: Bordeaux, Downs, Matheson and Randall.

CARROLL: Roderick Allen, Heath and Towle.

CHESHIRE: Crane, Moore, O'Connor, Russell and Vrakatisis.

COOS: None.

GRAFTON: Ira Allen, Buckman, George Gate, McIver, Snell and Taffe.

HILLSBOROUGH: Archambault, Brack, Burkush, Compagna, Joseph Cote, L. Penny Dion,

Dolbec, Granger, Lamy, Morgan, Nemzoff-Berman, Aime Paradis, Peter Ramsey, Silva, Soucy, Stylianos, Francis Sullivan, Welch, Emma Wheeler and Zajdel.

MERRIMACK: Holliday, Locke, Nichols, Doris Riley and Ernest Valliere.

ROCKINGHAM: Connors, Ellyson, Flanagan, Greene, LoFranco, Lovejoy, Nelson, Newell, Newman, Parolise, Parr, Pevear, Pucci, Rogers, Schwaner, Vlack, Warburton and Woodman.

STRAFFORD: Burchell, DeNafio, Gauvin, Charles Grassie, Hebert, Joos, Dennis Ramsey, Valley and Allen Wilson.

SULLIVAN: Cutting, D'Amante, LeBrun and Spaulding.

NAYS 171

BELKNAP: Beard, Birch, Bowler, Gary Dionne, French, Hanson, Mansfield, Morin, Sabhow and Sanders.

CARROLL: Chase, Dickinson, Howard, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Close, Daniel Eaton, Ernst, Miller, Proctor, Margaret Ramsay and Scranton.

COOS: Brungot, Burns, Chappell, Fortier, Bradley Haynes, Horton, Oleson, Theriault and Vork.

GRAFTON: Aldrich, Chambers, Christy, Michael King, Logan, Low, Lownes, Mann, McAvoy, Pepitone, Seelv, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Aubut, Bosse, Boyer, Carswell, Corey, Corser, Craig, Catherine-Ann Day, Donovan, Beverly Dupont, Raymond Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Guidi, Hall, Head, Hendrick, Howard Humphrey, Thomas Hynes, Jamrog, Karnis, Keefe, Labombarde, Lefebvre, Levesque, McCarthy, Milton Meyers, Morrison, Mulligan, Murray, Naro, Odell, Pappas, Pastor, Perkins, Plomaritis, Podles, Polak, Proulx, Reidy, Roy, Sallada, Edward Smith, Thibeault, Rock Tremblay, Wallace, Kenneth Wheeler, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Carroll, John Cate, Clements, Colby, Daniell, James Humphrey, Mitchell, O'Neill, Packard, Selway, Shepard, Stockman, Stokes, Trachy, Rick Tromblv, Underwood and Waters.

ROCKINGHAM: Appel, Benton, Blake, Blanchette, Butler, Marilyn Campbell, Collins, Patricia Cote, Roy Davis, Joseph Flynn, Beverly Gage, Gibbons, Gould, Hartford, Hoar, Jackson, Jones, Kashulines, Roger King, Kozacka, Landry, Lavcock, McEachern, Norman Myers, Peterson, Quimby, Reese, Schmidtchen, Skinner, Freda Smith, Stimmell, Sytek, Tavitian, Tufts, Helen Wilson, Woinowski and Wolfson.

STRAFFORD: Farnham, James Herchek, Lessard, Pine, Pray, Robinson, Schreiber and Donald Smith.

SULLIVAN: Brodeur, Burrows, David Campbell, Domini, Sim Gray, Spanos, Townsend and Williamson, and the motion lost.

Rep. Morgan requested a quorum count.
The Speaker declared a quorum present.

Question being on the committee report,
Inexpedient to Legislate, on HB 619.
Resolution adopted.

HB 502, providing for the licensing of social workers on a trial basis and making an appropriation therefor. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority of the Committee agrees with the New Hampshire Hospital Association, the health-related social workers, the New Hampshire Municipal Association and the group of professional social workers who opposed this bill. There is confusion and difficulty in defining the various levels of the ever-growing field of health-related professionals. This was testified to by various persons including a representative from the National Commission of Health Certifying Agencies in Washington. Competency-based credentialing is what is needed and many changes are going on within the whole arena of health-related professions. Additionally, the National Health Manpower Act is being rewritten with new definitions which may prove useful to all of the states which are experiencing common problems with regulation in the field at present. The majority of the Committee finds also that present abuses were not sufficiently documented as to require such restrictive licensing requirements as this bill calls for. Studies have shown that licensing in general has the ultimate effect of raising costs to the consumer and cost containment in health is something we should strive for. The majority of the Committee feels that the form of regulation required in HB 502 is not desirable at this time. Vote was 9-3. Rep. Louisa K. Woodman for Executive Departments and Administration. MINORITY: The minority of the Committee felt that the licensing of social workers would provide the consumer with professional people who have minimum educational qualifications. There are three licensing requirements for social workers and each requirement defines the minimum standards that persons must attain before licensure, as well as defines social work practice. At present anyone can put himself/herself out as a social worker and there are no sanctions which the State or even the National Association of Social Workers can take against unqualified and uneducated people. Under HB 502, if a person violates any section of this bill the State can revoke his/her license and prohibit that person from further practice in the field. Those who have

worked in the licensing field for many years feel that the only time licensing should be employed is to protect the health, safety, welfare and mental disposition of a patient and that those people within a profession should meet high minimum standards to insure that they provide the best care for those they treat. HB 502, will establish standards that "all" social workers must attain. Rep. Edward J. Wojnowski for Minority of Executive Departments and Administration.

Rep. Wojnowski moved that the words, Refer to the Committee on Executive Departments and Administration for Interim Study, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Rep. Townsend spoke in favor of the motion.

Motion adopted.

Referred to the Committee on Executive Departments and Administration for Interim Study.

HB 771, relative to the sale of power by limited electrical energy producers. Refer to the Committee on Science and Technology for Interim Study.

The Committee unanimously felt this was good legislation; however, it needs further study and input from the New Hampshire Public Utilities. Vote was 9-0. Rep. Edward F. Smith for Science and Technology.

Rep. Daniell moved that the words, Ought to Pass, be substituted for the committee report, Refer to the Committee on Science and Technology for Interim Study, and spoke to his motion.

Rep. M. Arnold Wight spoke against the motion and yielded to questions.

Rep. Rounds spoke in favor of the motion and yielded to questions.

Rep. Burchell spoke against the motion.

Rep. Daniell requested a quorum count.

The Speaker declared a quorum present.

Rep. Dickinson spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 155 NAYS 108
YEAS 155

BFLKNAP: Beard, Bordeaux, Bowler, Hanson, Matheson, Morin, Randall and Sanders.

CARROLL: Roderick Allen, Chase, Dickinson, Heath, Kenneth MacDonald and Towle.

CHESHIRE: Crane, Dostilio, Daniel Eaton, Galloway, Ladd, Matson, Moore, O'Connor and Proctor.

COOS: Burns, Guay, Bradley Haynes, Horton, Mayhew, Oleson, Richardson, Theriault, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Copenhaver, Crory, Michael King, Low,

McAvoy, McIver, Rounds, Seely, Snell, Taffe, Andrew Ware and Wood.

HILLSBOROUGH: Archambault, Boyer, Brack, Burkush, Carswell, Compagna, Corser, Joseph Cote, Craig, Catherine-Ann Day, Donovan, Beverly Dupont, Raymond Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Sal Grasso, Guidi, Head, Healy, Thomas Hynes, Jamrog, Karnis, Levesque, McCarthy, McLaughlin, Milton Meyers, Morgan, Naro, Odell, Pastor, Perkins, Plomaritis, Polak, Record, Reidy, Roy, Silva, Stylianios, Rock Tremblay, Emma Wheeler, Kenneth Wheeler and Zaidel.

MERRIMACK: Allgeyer, Bellerose, John Cate, Milton Cate, Daniell, Epstein, Holliday, Kidder, LaBranche, Locke, Mitchell, Nichols, O'Neill, Selway, Shepard, Stockman, Stokes, Trachy and Waters.

ROCKINGHAM: Blake, Butler, Connors, Ellyson, Joseph Flynn, Beverly Gage, Gibbons, Hoar, Jones, Kashulines, LoFranco, Lovejoy, Joseph MacDonald, Nelson, Parr, Peterson, Pevear, Pucci, Rogers, Schwaner, Skinner, Freda Smith, Stimmell, Svtek, Tufts, Wolfsen and Woodman.

STRAFFORD: DeNafio, Donnelly, Gosselin, Hebert, Joos, Pine, Robinson, Sackett and Allen Wilson.

SULLIVAN: Brodeur, Burrows, Cutting, Domini, Spanos, Spaulding and Townsend.

NAYS 108

BELKNAP: Birch, Gary Dionne, Downs, French and Mansfield.

CARROLL: Howard.

CHESHIRE: Close, Margaret Ramsay, William Riley, Russell, Scranton and Vrakatitsis.

COOS: Chappell and Fortier.

GRAFTON: Chambers, Christy, Dearborn, Logan, Lowmes, Mann, Pepitone, Walter and Ward.

HILLSBOROUGH: Bosse, Corey, Dolbec, Gelinas, Hall, Heald, Hendrick, Howard, Humphrey, Kaklamanos, Keefe, Lahombarde, Lamy, Mazur, Morrison, Nardi, Nemzoff-Berman, Pappas, Podles, Sallada, Edward Smith, Leonard Smith, Soucy, Stahl, Francis Sullivan, Van Loan, Welch and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, Blakeney, Carroll, James Humphrey, Rick Trombly and Ernest Valliere.

ROCKINGHAM: Aeschliman, Appel, Blanchette, William Boucher, Marilyn Campbell, Collins, Patricia Cote, Roy Davis, Flanagan, Gould, Greene, Griffin, Hartford, Jackson, Kane, Roger King, Kozacka, Krasker, Landry, Laycock, McEachern, Norman Myers, Newell, Newman, Parolise, Quimby, Reese, Schmidtchen, Tavitian, Vlack, Warburton, Helen Wilson and Wojnowski.

STRAFFORD: Burchell, Farnham, Gauvin, Charles Grassie, Lessard, Meader, Morrisette, Pray, Schreiber, Donald Smith, Valley, Vaughan and Whitehead.

SULLIVAN: D'Amante, Sim Gray, LeBrun, Palmer and Williamson, and the motion lost lacking the two-thirds necessary when less than two-thirds of the entire membership is present.

Rep. Dickinson moved that HB 771 be laid upon the table.

Adopted.

HB 805, requiring complete fiscal responsibility in the decommissioning of nuclear electric generating facilities by operating utilities. Ought to Pass with Amendment.

This legislation meets guidelines passed by the House and Senate in the 1977 session. It equitably protects the citizens, the utilities involved and the future financial integrity of the State. Vote was 8-0. Rep. Selma R. Jackson for Science and Technology.

Amendment

Amend the introductory paragraph of RSA 162-F:14, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. "Decommissioning of a nuclear electric generating facility" means, but is not limited to, any or all of the following as may be required by any federal or state agency with jurisdiction when any radioactive portion of the facility is permanently removed from service:

Amend RSA 162-F:14 as inserted by section 2 of the bill by inserting after paragraph IV the following new paragraph:

V. "Lead company" means the utility designated by the owner or owners of the facility.

Amend RSA 162-F:15 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

162-F:15 Committee Established.

I. A nuclear decommissioning financing committee shall be established for each nuclear electric generating facility which is required to be approved under this chapter.

II. Each committee shall consist of one person who is a resident of the town or city in which the facility is to be located and who shall be appointed by the selectmen of the town or the mayor and council of the city, the chairman of the public utilities commission, the chairman of the legislative fiscal committee, the state treasurer, the commissioner of the department of health and welfare or his designee, the commissioner of the department of safety or his designee, and a representative of the lead company as designated by the owner or owners of the facility.

III. The person appointed by the selectmen of the town or the mayor and council of the city shall serve a 3-year term and any vacancy shall be filled for the unexpired term in the same manner as the original appointment. In the case where more than one facility is licensed to be

built in the state, the committee as designated in RSA 162-F:15, II shall serve in the same capacity except the appointed member who is a resident of the city or town and county shall be selected in the manner prescribed by this section.

Amend RSA 162-F:18, I (a) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(a) "Member" means any person serving on the nuclear decommissioning financing committee except that person on the committee representing the lead company.

Amendment adopted.

Rep. Snell moved that the words, Refer to the Committee on Science and Technology for Interim Study, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. M. Arnold Wight and Bowler spoke against the motion.

Rep. Snell requested a quorum count.

The Speaker declared a quorum present.

Rep. Snell requested a roll call.

Sufficiently seconded.

(Speaker presiding)
YEAS 65 NAYS 276
YEAS 65

BELKNAP: None.

CARROLL: Heath and Howard.

CHESHIRE: Crane, Dostilio, Galloway and O'Connor.

COOS: Burns, Guay, Horton, Richardson, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Low, McAvoy, McIver, Rounds, Snell and Andrew Ware.

HILLSBOROUGH: Aubut, Baker, Clyde Eaton, Granger, Healy, Jamrog, Karnis, Levesque, Milton Meyers, Naro, Odell, Aime Paradis, David Ramsay, Silva, Stylianos, Thibeault, Eliot Ware, Emma Wheeler, Kenneth Wheeler and Zajdel.

MERRIMACK: Allgeyer, Bellerose, Bibbo, Hill, Kidder, LaBranche, Locke, Mitchell, Randlett and Shepard.

ROCKINGHAM: Benton, Beverly Gage, Griffin, Kashulines, Peterson, Freda Smith, Sytek, Tavitian and Warburton.

STRAFFORD: Canney and Gosselin.

SULLIVAN: Burrows, Domini and Palmer.

NAYS 226

BELKNAP: Beard, Birch, Bordeaux, Bowler, Gary Dionne, Downs, French, Hanson, Hildreth, Mansfield, Matheson, Morin, Randall and Sanders.

CARROLL: Roderick Allen, Chase, Dickinson, Kenneth MacDonald and Towle.

CHESHIRE: Daniel Eaton, Ernst, Ladd, Matson, Miller, Moore, Proctor, Margaret

Ramsay, William Riley, Russell, Scranton and Vrakatisis.

COOS: Brungot, Chappell, Fortier, Bradley Haynes, Mayhew, Oleson, Theriault and Willey.

GRAFTON: Chambers, Christy, Copenhagen, Crory, Dearborn, Michael King, Logan, Lowmes, Mann, Pepitone, Seely, Taffe, Walter, Ward and Wood.

HILLSBOROUGH: Archambault, Wilfrid Boisvert, Bosse, Boyer, Brack, Carswell, Compagna, Corey, Corser, Joseph Cote, Craig, Catherine-Ann Day, Dolbec, Donovan, Beverly Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinis, Sal Grasso, Guidi, Hall, Head, Heald, Hendrick, Howard Humphrey, Thomas Hynes, Kaklamanos, Keefe, Lahomharde, Lamy, Lefebvre, Mazur, McCarthy, McLaughlin, Morgan, Morrison, Mulligan, Nardi, Nemzoff-Berman, Pappas, Pastor, Perkins, Plomaritis, Podles, Polak, Peter Ramsey, Record, Roy, Sallada, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Francis Sullivan, Vachon, Van Loan, Welch and M. Arnold Wight.

MERRIMACK: Avles, Blakeney, Carroll, John Cate, Milton Cate, Colby, Daniell, Epstein, Holliday, James Humphrey, McLane, Nichols, O'Neill, Selway, Stockman, Stokes, Trachy, Rick Tromblv, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Blake, Blanchette, William Boucher, Butler, Marilyn Campbell, Collins, Connors, Patricia Cote, Roy Davis, Dunfey, Ellvson, Flanagan, Joseph Flvnn, Gibbons, Gould, Greene, Hartford, Hoar, Jackson, Jones, Kane, Roger King, Kozacka, Krasker, Landry, Laycock, Leslie, LoFranco, Lovejoy, Joseph MacDonald, McEachern, Norman Myers, Nelson, Newell, Newman, Parolise, Parr, Pevear, Pucci, Quimby, Reese, Rogers, Schmidtchen, Schwaner, Skinner, Splaine, Stickney, Stimmell, Tufts, Vartanian, Vlack, Helen Wilson, Wojnowski and Wolfsen.

STRAFFORD: Burchell, DeNafio, Donnelly, Farnham, Gauvin, Charles Grassie, Hebert, Dianne Herche, James Herche, Joos, Lessard, Meader, Morrisette, Nadeau, Pine, Pray, Dennis Ramsey, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Valley, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Brodeur, Cutting, D'Amante, Sim Gray, LeBrun, Spanos, Spaulding, Townsend and Williamson, and the motion lost.

Ordered to third reading.

Rep. Dickinson moved that HB 771, relative to the sale of power by limited electrical energy producers, be taken from the table.

A Division was requested.

227 members having voted in the affirmative and 67 in the negative, HB 771 was removed from the table.

HB 771, relative to the sale of power by limited electrical energy producers.

Rep. Dickinson moved that the words, Ought to Pass, be substituted for the committee report, Refer to Science and Technology for Interim Study, and spoke to his motion.

Rep. M. Arnold Wight and Leonard Smith spoke against the motion.

Rep. Oleson spoke in favor of the motion. A division was requested.

190 members having voted in the affirmative and 101 in the negative, the motion was adopted.

Question being on the substituted committee report.

Ordered to third reading.

HB 859, to prohibit increased fuel adjustment charges based on substituted power and fuel costs. Ought to Pass with Amendment.

The Committee felt this legislation addresses and clarifies a Supreme Court ruling while reaffirming the New Hampshire Public Utilities Commission authority to determine scheduled and unscheduled outages. Vote was 6-2. Rep. Selma R. Jackson for Science and Technology.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Unscheduled Outages. Amend RSA 378:3-a, I (supp) as inserted by 1976, 58:1 by inserting in line 5 after the word "power." the following (Increased costs arising from purchased power and fuel due to unscheduled outages by a generating plant shall not be included in the fuel adjustment charge.) so that said paragraph as amended shall read as follows:

I. In this section "fuel adjustment charge" means a charge designed to cover increases and decreases in the cost of purchased electric power for a public utility purchasing electric power and increases and decreases in the delivered cost of fuel to the generating plant site for a public utility generating its own electric power. Increased costs arising from purchased power and fuel due to unscheduled outages by a generating plant shall not be included in the fuel adjustment charge.

Amendment adopted.

Rep. M. Arnold Wight moved that the words, Refer to the Committee on Science and Technology for Interim Study, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Edward Smith and Proctor spoke against the motion and yielded to questions.

Reps. James Humphrey and Snell spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 121 NAYS 185

YEAS 121

BELKNAP: Birch, Bowler, Downs, French, Mansfield and Randall.

CARROLL: Chase, Howard and Towle.

CHESHIRE: Galloway, Johnson, Kohl, Moore, O'Connor and Scranton.

COOS: Brungot, Burns, Chappell and Horton.

GRAFTON: Ira Allen, Buckman, George Cate, Christy, LaMott, Lowmes, Mann, McAvoy, Pepitone, Snell, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Wilfrid Boisvert, Carswell, Dolbec, Donovan, Clyde Eaton, Granger, Heald, Healy, Howard Humphrey, Thomas Hynes, Jamrog, Karnis, Lahomharde, Lamy, Levesque, Mazur, McLaughlin, Milton Meyers, Morgan, Murray, Naro, Odell, Aime Paradis, Perkins, Peters, Polak, David Ramsav, Record, Sallada, Silva, Van Loan, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Allgever, Ayles, Bibbo, John Cate, Hill, James Humphrey, Kidder, LaBranche, Locke, Plourde, Randlett, Doris Riley, Shepard, Stockman, Waters and Wiviott.

ROCKINGHAM: Appel, Benton, Marilyn Campbell, Connors, Roy Davis, Felch, Flanagan, Gibbons, Gould, Greene, Griffin, Hartford, Kashulines, Roger King, Kozacka, McEachern, Norman Myers, Nelson, Newell, Oumby, Reese, Schmidtchen, Sytek, Tavitian, Warburton and Helen Wilson.

STRAFFORD: Canney, Farnham, Gosselin, Meader, Prav, Sackett and Donald Smith.

SULLIVAN: Cutting, Domini, Palmer and Spaulding.

NAYS 185

BELKNAP: Bordeau, Gary Dionne, Hanson, Hildreth, Matheson, Morin, Sabhow and Sanders.

CARROLL: Roderick Allen, Dickinson, Heath and Kenneth MacDonald.

CHESHIRE: Crane, Dostilio, Daniel Eaton, Ernst, Ladd, Matson, Miller, Proctor, William Riley, Russell, Vrakatitsis and Jean White.

COOS: Elmer Beaulac, Fortier, Guay, Bradley Haynes, Mayhew, Oleson, Richardson, Theriault, Willev, Wiswell and York.

GRAFTON: Chambers, Copenhaver, Crorv, Dearborn, Michael King, Logan, Low, McIver, Rounds, Seely, Taffe and Wood.

HILLSBOROUGH: Archambault, Aubut, Baker, Bosse, Brack, Compagna, Corev, Corser, Joseph Cote, Craig, Catherine-Ann Day, Beverly Dupont, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinass, Sal Grasso, Guidi, Hall, Head, Hendrick, Keefe, Lefebvre, McCarthy, Morrison, Mulligan, Nardi, Pappas, Pastor, Plomaritis, Podles, Peter Ramsey, Roy, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Stylianos, Francis Sullivan, James Sullivan, Thiheault, Rock Tremblay, Vachon, Wallin, Welch and Zaidel.

MERRIMACK: Bellerose, Blakeney, Carroll, Milton Cate, Colby, Daniell, Epstein, Holliday, McLane, Mitchell, Nichols, O'Neill, Selway, Gerald Smith, Stokes, Trachy and Rick Trombly.

ROCKINGHAM: Aeschliman, Blake, Blanchette, William Boucher, Butler, Collins, Patricia Cote, Dunfey, Ellyson, Joseph Flynn, Beverly Gage, Carl Gage, Hoar, Jackson, Jones, Kane, Krasker, Landrv, Laycock, Leslie, LoFranco, Lovejoy, Joseph MacDonald, Newman, Pantelakos, Parolise, Parr, Peterson, Pevear, Pucci, Rogers, Schwaner, Skinner, Freda Smith, Splaine, Stickney, Stimmell, Tufts, Vartanian, Vlack, Wojnowski, Wolfsen and Woodman.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Donnelly, Gauvin, Charles Grassie, Hebert, Dianne Herchek, James Herchek, Joos, Lessard, Morrisette, Nadeau, Pine, Dennis Ramsey, Robinson, Schreiber, Tripp, Vallev, Vaughan, Whitehead and Allen Wilson.

SULLIVAN: Brodeur, Burrows, David Campbell, D'Amante, Sim Grav, LeBrun, Spanos, Townsend and Williamson, and the motion lost.

Rep. James Humphrey moved that HB 859 be laid upon the table.

A division was requested.

93 members having voted in the affirmative and 208 in the negative, the motion lost.

Question being on the committee report.

Ordered to third reading.

HB 30, requiring persons desiring to run for office to file nomination papers prior to the primary election. Ought to Pass with Amendment.

This bill, as amended, would prohibit a defeated primary candidate from running as a candidate on nomination by petition for the same office for which he was defeated in primary. Vote was 9-1. Rep. Robert A. Vaughan for Statutory Revision.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

prohibiting a defeated candidate in a primary election from running for the same office as an independent in the biennial or special election.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Prohibition on Running for Office. Amend RSA 56 by inserting after section 46 the following new section:

56:46-a Defeated Candidates Prohibited from Running in Election. If a person is defeated as a candidate in a primary election for any federal or state office, said person shall be ineligible to run as a candidate nominated by petition, as provided in RSA 56:65 through 68, in the general election for the same office for which he was defeated in the primary.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 238, amending certain election laws. Inexpedient to Legislate.

This bill addressed six sections of the election laws. Many of the problems are taken care of in the Codification which clarifies the election laws. The Committee voted not to change the return of absentee ballot regulations. Vote was 8-3. Rep. Margaret M. Hartford for Statutory Revision.

Rep. Hartford moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Rep. Planagan spoke in favor of the motion.

Motion adopted.

Rep. Hartford offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to verification of checklists.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Checklist Verification. Amend RSA 69:26-a, III-a, (supp) as inserted by 1973, 158:2 as amended by striking out said paragraph and inserting in place thereof the following:

III-a. For the purpose of this section, a person shall be deemed reregistered and need not appear before the supervisors if:

(a) such person voted in the biennial election in the year immediately preceding a 10-year verification; or

(b) such person voted in the annual town meeting in the year of a 10-year verification.

2 Effective Date. This act shall take effect 60 days after its passage.

Rep. Hartford explained her amendment.

Amendment adopted.

Ordered to third reading.

HB 449, concerning choosing delegates to national political conventions. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This bill will make it possible for presidential candidates to choose their delegates and alternates within a period of 10 days following the Presidential Primary. Currently, the presidential candidate must file his list of delegates before the primary. If this bill is adopted, many dedicated individuals will have an opportunity to attend the National Party Convention. Vote was 5-4. Rep. Rick G. Newman for Majority of Statutory Revision.

MINORITY: This bill changes current law which has not been tested as yet. The present law was a compromise measure to answer an apparently insoluble mechanical problem since voting machines cannot handle the increased number of candidates. The proposed amendment removes any advance listing and the minority feels adoption of the majority committee report is a breach of faith with those who supported the 1977 change with assurance the delegates would be listed in advance of the campaign and in order of preference. Reps. Kenneth A. Randall, Margaret M. Hartford, Virginia K. Lovejoy and Russell C. Chase for Minority of Statutory Revision.

Amendment

Amend RSA 57:5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

57:5 Selection of Delegates. Each presidential candidate who has filed pursuant to RSA 58 or is a candidate by petition pursuant to RSA 58:3 shall file with the secretary of state not more than 10 days after the presidential preference primary the names and addresses of the delegates and their alternates who shall represent him as his delegation to the national convention. The filing with the secretary of state shall be accompanied by payment of a \$10 fee for each proposed delegate, said payment shall be paid by the proposed delegate, or some person for him. The number of days herein given shall include Sundays.

Amend RSA 57:8, VI, as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

VI. After completing the canvass of returns from the primary and determining the number of apportioned delegates pursuant to this section, to which each successful presidential candidate is entitled, the secretary of state shall send by mail notice to each candidate the number of delegates to which he is entitled pursuant to this section. The candidate shall notify the secretary of state of the delegates and alternates he chooses to be his delegation at the national convention pursuant to RSA 57:5. The secretary of state shall then notify by mail each delegate and alternate chosen by the candidate to support his candidacy at the national convention.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Vacancies Filled. Amend RSA 57:7 (supp) as amended by striking out said section and inserting in place thereof the following:

57:7 Vacancies. If there is a vacancy in the slate of delegates and alternate delegates as is authorized for each presidential candidate, such vacancies may be filled after the expiration of the time allowed by RSA 57:5 by the presidential candidate without the payment of any additional fee if the filing fee has been previously paid. Such vacancy shall be filled within 5 days after the presidential candidate notifies the secretary of state that a vacancy exists.

4 Delegate Pledge. Amend RSA 57:6 (supp) as amended by striking out said section and inserting in place thereof the following:

57:6 Certification of Delegates Selected. All delegates and their alternates selected by each candidate in the presidential preference primary shall file with the secretary of state the following certification:

I, "I certify that I reside in ward in the city (or town) of county of and state of New Hampshire, and am a qualified voter therein; that I am a registered member of the party; that I shall serve as delegate (or alternate) to the national convention of the party next to be held for the nomination of candidates of said party for president and vice president of the United States. I further certify that I will attend such convention unless I shall be prevented by sickness or other occurrence over which I have no control."

II. Added to the certification statement of paragraph I shall be the following:

"I pledge myself to vote, each time I shall vote in said convention, for the nomination of (inserting the name of the candidate who selected him) as the candidate for said party for president so long as he shall be a candidate before said convention."

5 Effective Date. This act shall take effect 60 days after its passage.

Rep. Newman spoke to the committee amendment and yielded to questions.

Rep. Randall explained the committee report and yielded to questions.

Reps. Chambers, Wallin and McLane spoke against the amendment.

Amendment lost.

Ordered to third reading.

HB 844, restricting smoking in enclosed public places. Refer to the Committee on Commerce and Consumer Affairs for Interim Study.

The New Hampshire Lung Association suggested several areas of concern with the 1977 statute passed relative to smoking in public places. The Committee desires to study the present statute before enacting another law relative to smoking in restaurants and conveyances. Vote was 16-0 on report and for placing on Consent Calendar. Rep. Elizabeth L. Crory for Commerce and Consumer Affairs.

Referred to the Committee on Commerce and Consumer Affairs for Interim Study.

HB 861, relative to automobile insurance. Inexpedient to Legislate. This bill concentrates on eliminating age as a criterion in rates for liability insurance. Rates are actuarially set for age groups where the most accidents are caused, rates are cheaper for older people who drive less and have the least accidents. If this bill were passed the rates of the age groups in question would go down while all other groups would go up. Committee

voted 16-0. Rep. C. Dana Christy for Commerce and Consumer Affairs.

Resolution adopted.

HB 331, concerning candidacy for the county convention. Inexpedient to Legislate.

This bill would require candidates for State representative to sign and file a statement that he is cognizant that election to House is also election as a member of County Convention. It would require all new forms to be printed by the Secretary of State's office, and the Committee does not feel the expense is justified. Vote was 10-0. Rep. Natalie S. Flanagan for Statutory Revision.

Resolution adopted.

HB 808, to conform the state unemployment compensation law to federal requirements specified in PL 94-566 amended. Ought to Pass with Amendment.

As amended, HB 808 would bring New Hampshire into conformity with PL 94-566 requiring unemployment compensation coverage for governmental employees. We have been the only State in non-conformance with this coverage. The enactment of this legislation is crucial to the State of New Hampshire. Having met the barriers regarding conformity with this amended measure, it is hoped it will now remove and resolve the conformity case currently pending before the First Circuit Court of Appeals.

The bill includes a statement regarding the enactment of this legislation as well as a repealer clause to take care of the issue, if for some reason New Hampshire should prove the case of unconstitutionality.

Vote 13-0. Rep. Kenneth H. Gould for Labor, Human Resources and Rehabilitation.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statement of Purpose.

Whereas, the state of New Hampshire is faced with a dilemma occasioned by certain provisions of P.L. 94-566 which require coverage of governmental employees for purposes of unemployment compensation payments; and

Whereas, the general court believes that the conditions of employment by the state and its political subdivisions is the exclusive province of the state legislature; and

Whereas, permanent classified state employees have been covered by unemployment compensation since 1957; and

Whereas, the cost of the coverage required by P.L. 94-566 is exorbitant, inflationary and places an undue and unnecessary burden upon the taxpayers of the state of New Hampshire; and

Whereas, the provisions of P.L. 94-566 coerce the general court into enacting such coverage under the threat of

costing the businesses of this state loss of their offset credit against taxes imposed by the Federal Unemployment Tax Act which would amount to in excess of 40 million dollars, a price which is totally disproportionate to the cost of benefits to governmental employees;

Wherefor, the legislature having no alternative but to accede to this federal intrusion of its state sovereignty, acting under duress and for no other reason enacts this chapter.

2 Employment Does Not Include. Amend RSA 282:1, H (4) (r) as inserted by 1957, 313:3 as amended by striking out said subparagraph and inserting in place thereof the following:

(r) service performed by an individual in the exercise of duties:

(1) As an elected official;

(2) As a member of a legislative body or a member of the judiciary of the state or political subdivision;

(3) As a member of the state national guard or the air national guard;

(4) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;

(5) In a position which, under or pursuant to the laws of this state, is designated as a major nontenured policymaking or advisory position or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than 8 hours per week;

(6) As described in subparagraphs (S) (4), (5) and (6) for the state or any of its political subdivisions.

3 Virgin Islands. Amend the introductory paragraph of RSA 282:1, S by striking out in line 3 the words "or the Virgin Islands" so that said paragraph as amended shall read as follows:

S. The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States, except in Canada, after December 31, 1971 in the employ of an American employer, if:

4 Group Accounts. Amend the second unnumbered subparagraph of RSA 282:6, A (supp) as amended by striking out said subparagraph and inserting in place thereof the following:

Notwithstanding this subsection, any organization or group of organizations, described in section 501 (c) (3) and exempt under section 501 (a) of the Internal Revenue Code, which becomes an employer under this act, may elect either to reimburse in the manner provided for the state in paragraph A-1 of this section or to pay contributions as hereinabove provided; but such election shall be irrevocable for 3 calendar years. Any 2 or more of such employers or any 2 or more cities, towns, counties or other political subdivisions of this state may elect, for a period of not less than 3 years, to pool their separate accounts under such rules as may be adopted by the commissioner pursuant to RSA 541-A, including appropriate bonding and fiscal safeguard requirements, and each unit shall be jointly and severally liable for payments due.

5 Payment by State. Amend RSA 282:6, A-1 by striking out said subparagraph and inserting in place thereof the following:

A-1 PAYMENT OF CONTRIBUTIONS BY STATE.

The liability of this state including the state university system for benefits paid shall be as follows: In lieu of contributions required of other employers subject to this chapter the state shall pay into the unemployment compensation fund an amount equivalent to the amount of benefits, including extended benefits, paid to claimants who during the applicable period were paid wages by this state. If a claimant during such base period was employed by this state and by other employers subject to the provisions of this chapter, the amount to be paid into the unemployment compensation fund by this state with respect to such claimant shall be the amount of benefits received by the claimant which are in addition to such amount as the claimant was entitled to receive on the basis of the wages paid by such other employers. The amount of payments required under this section to be made into the fund shall be ascertained by the commissioner of the department of employment security as soon as practicable after the end of each calendar month and shall, except as provided hereafter, be paid by the comptroller from funds appropriated therefor, provided that if said appropriation is not sufficient to make all such payments or no appropriation is made therefor they shall, upon warrant by the governor, be paid from the general funds of the state, out of any money not otherwise appropriated. If a claimant to whom benefits were paid was paid wages by the state during the base period from a special administrative fund provided for by law, into which monies, in addition to, or other than from the state treasury, are placed, the payment into the unemployment compensation fund shall be made from such special administrative fund in the regular manner provided for disbursing such money. The payment by the state into the unemployment compensation fund shall be made at such times and in such manner as the commissioner of the department of employment security, with the approval of the state comptroller, may determine and prescribe.

6 Political Subdivisions. Amend RSA 282:6, A-2 by striking out said subparagraph and inserting in place thereof the following:

A-2. PAYMENT OF CONTRIBUTIONS BY COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISIONS OF THIS STATE. (a) A county, city, town or other political subdivision which becomes an employer under this act shall pay into the unemployment compensation fund an amount equivalent to the amount of benefits paid to claimants who during the applicable base period were paid wages by such county, city, town or other political subdivision. If a claimant during such base period was employed by both such county, city, town or other political subdivision and other employers subject to the provisions of this chapter, the amount to be paid into the fund by such county, city, town or other political subdivision with respect to such claimant shall be an amount equal to the amount of benefits paid to such

claimant in addition to such amount as the claimant was entitled to receive on the basis of the wages paid to such claimant by such other employers. The amount of payments required under this section to be made into the fund shall be ascertained by the commissioner of the department of employment security as soon as practicable after the end of each calendar month. The payments by such county, city, town or other political subdivision into the fund shall be made at such times and in such manner as the commissioner of the department of employment security may determine and prescribe. A county, city, town or other political subdivision shall not be required to maintain a record of the social security account numbers of its employees.

(b) In lieu of subparagraph (a) above such county, city, town or other political subdivision may elect to pay contributions as provided for other employers. Such election shall be for not less than 3 years and must be made within 60 days of the passage of this act or before January 1, of the applicable year.

(c) Sums appropriated by a county, city, town or other political subdivision to meet the obligations imposed by this chapter shall not be transferred or used for any other purpose, and such sums or the unused balance of such sums shall lapse at the end of each fiscal year.

7 Delinquent Payments. Amend RSA 282:12 by inserting after paragraph M. the following new paragraph:

N. Delinquent Payments. In addition to any other remedies under this section, if the commissioner finds that any county, city, town or other political subdivision has become delinquent with respect to payments due under this chapter and following the commissioner's written request for such payment has for 60 days thereafter refused or neglected to pay the amount due, the commissioner shall notify the state comptroller of such delinquency and the total amount due. The comptroller shall authorize the transfer of such amount to the department of employment security from any funds which would otherwise be due from the state to such county, city, town or other political subdivision.

8 Annual Earnings. Amend RSA 282:1, O (supp) as amended by striking out said subsection and inserting in place thereof the following:

O. "Annual earnings" shall be the wages, to the nearest dollar, earned during each base period from an employer by an individual in employment in New Hampshire and an amount equivalent to the average weekly wage, as determined under the New Hampshire Workmen's Compensation statute, for each week that an individual has been found by either the labor commissioner or a court to be entitled to receive workmen's compensation based on a claim involving such employer. During the period between successive sports seasons no annual earnings will be available for any individual for whom 50 percent or more of his wages are for services in training, preparation to participate or participation in athletic or sports events if there is a reasonable assurance of his engaging in such

performance in the next sport season. Services as parking lot attendants, ushers, ticket sellers, and cafeteria workers shall be excluded from this provision.

9 Between Terms Denial. Amend RSA 282:3, F (supp) as amended by striking out said paragraph and inserting in place thereof the following:

F. He is not seeking:

(1) With respect to weeks of unemployment beginning in November and December 1977, benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education for any week of unemployment which begins during the period between two successive academic years or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in his contract, if he has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms.

(2) With respect to weeks of unemployment beginning after December 31, 1977, benefits based on services performed in an instructional, research, or principal administrative capacity in the employ of a public or other non-profit educational institution for any week of unemployment commencing during the period between two successive academic years or terms (or, when an agreement provides instead, for a similar period between two regular but not successive terms, during such period) or during a period of paid sabbatical leave provided for in his contract if he performs such services in the first of such academic years or terms and if there is a contract or a reasonable assurance that he will perform services in any such capacity in the employ of any such educational institution in the second of such academic years or terms.

(3) With respect to weeks of unemployment beginning after December 31, 1977, benefits based on services performed in any other capacity in the employ of a public or other non-profit educational institution (other than an institution of higher education) for any week of unemployment commencing during the period between two successive academic years or terms if he performs such services in the first of such academic years or terms and there is a reasonable assurance that he will perform such services in the second of such academic years or terms in the employ of any such educational institution.

(4) With respect to weeks of unemployment beginning after December 31, 1977, benefits for any week which commences during an established and customary vacation period or holiday recess if he performs services in the employ of a public or other non-profit educational institutions described in paragraphs (2) or (3) of this subsection in the period immediately before such vacation period or holiday recess and there is a reasonable assurance that he will perform any such services in the employ of such an educational institution in the period immediately following such vacation period or holiday recess.

10 Equal Treatment. Amend RSA 282:1, N by inserting after paragraph (1) the following new subparagraph:

(a) The amount of any payment to an alien unless said alien was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of section 203 (a) (7) or section 212 (d) (5) of the Immigration and Nationality Act).

11 Disqualification for Benefits. Amend RSA 282:4 by inserting after subsection M the following new subsection:

N. On the basis of services performed by an alien unless such an alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of section 203 (a) (7) or section 212 (d) (5) of the Immigration and Nationality Act).

(1) Any data or information required of individuals claiming benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all claimants for benefits.

(2) In the case of an individual whose claim for benefits would otherwise be approved, no determination that benefits are not payable to such individual because of his alien status shall be made except upon a preponderance of the evidence.

12 Repeal. RSA 282:7, D relative to voluntary coverage is hereby repealed.

13 Repeal. RSA 282:1, H, (4) (g) relative to elective coverage is hereby repealed.

14 Repeal. RSA 282:1, H, (4) (q) relative to coverage of employees is hereby repealed.

15 Repeal. RSA 282:1, H, (4) (s) (3) relative to the employment of persons by a school which is not an institution of higher education is hereby repealed.

16 Repeal. RSA 282:1, H, (4) (s) (6) relative to employment at the state prison is hereby repealed.

17 Repeal. RSA 282:1, O (1), (a) as inserted by Laws of 1977, 441:12 relative to wages for aliens is hereby repealed.

18 Declaration of Unconstitutionality. Sections 2, 4, 5, 6, 12, 13, 14, 15, 16, of this act, enacted under duress, shall be repealed and all rights thereunder shall end on the day and date on which the applicable provisions of P.L. 94-566 which necessitates this act are enjoined, found invalid or unconstitutional in its application to the employees of this state or any of its agencies or political subdivisions by a court of competent jurisdiction. Repeal shall be effective the date of final disposition upon appeal or from the date of

expiration of the right of appeal. If the effect of P.L. 94-566, as applied to the employees of this state or any of its agencies or political subdivisions, is suspended or stayed by injunction or otherwise by a court of competent jurisdiction, this act will on the date of such suspension or stay is ordered be suspended and stayed to the extent of the stay, enjoining, or suspending of said law. If the applicable provisions of P.L. 94-566 are repealed by the Congress of the United States, this act shall be repealed on the same date and time as the effect of the federal act.

19 Effective Date. This act shall take effect January 1, 1978.

Amendment adopted.

Rep. Warburton offered an amendment.

Amendment

Amend the bill by striking out all after section 18 and inserting in place thereof the following:

19 Finding of Constitutionality. No benefits shall be paid and no contribution, reimbursement or other payment shall be required under this act unless and until the United States Supreme Court has found the applicable provisions of P.L. 94-566 constitutional and then only to the extent of that finding.

20 Effective Date. This act shall take effect January 1, 1978.

Rep. Warburton explained the amendment.

Reps. Could, Head, Skinner, Spiro and LaMott spoke against the amendment.

Rep. Dolbec spoke in favor of the amendment.

Amendment lost.

Rep. Skinner yielded to questions.

Referred to Appropriations.

HB 731, eliminating prohibitions against political contributions by certain organizations. Inexpedient to Legislate. This bill would eliminate prohibitions against political contributions by organizations representing or affiliated with corporations or labor unions. Vote was 10-0. Rep. Robert A. Vaughan for Statutory Revision.

Resolution adopted.

HB 732, permitting classified state employees to make political contributions. Inexpedient to Legislate.

Vote was 9-1. Rep. Robert A. Vaughan for Statutory Revision.

Resolution adopted.

HB 760, concerning a uniform affidavit for residency. Inexpedient to Legislate. This bill would mandate the Secretary of State to develop a uniform affidavit for residency. Since a bill regarding a special committee on this matter was referred to Judiciary, the Committee felt this bill is premature. Vote was 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

Rep. Seely moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Flanagan spoke against the motion. Motion lost.

Resolution adopted.

HB 823, concerning the presidential preference primary. Inexpedient to Legislate.

This bill would change the law regarding our first in the nation primary. Vote was 10-0. Rep. Natalie S. Flanagan for Statutory Revision.

Rep. Chambers moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Reps. French, Townsend, Plourde and Newman spoke against the motion.

Rep. Hildreth spoke in favor of the motion and yielded to questions.

Reps. Vaughan and Randall spoke to the motion.

Motion lost.

Resolution adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Bosse moved that the House reconsider its action whereby it passed HB 714, relative to guardianship procedures, and return the bill to second reading.

Reconsideration prevailed.

Rep. Bosse offered an amendment.

Amendment

Amend RSA 464-A:5, III and IV as inserted by section one of the bill by striking out same and inserting in place thereof the following:

III. Orders of notice shall be served by first class mail on, or by delivery to the office of the court appointed attorney for the proposed ward no later than 24 hours after service on the proposed ward. Orders of notice and a copy of the petition shall be served by first class mail on, or by delivery to the office of any attorney retained by the proposed ward within 24 hours of notification to the court of the name and address of said attorney.

IV. Orders of notice of the hearing shall issue by first class mail not less than 14 days before the date set for the hearing, to:

(a) The relatives whose names and addresses appear on the petition for guardianship;

(b) The proposed guardian if the proposed guardian is not the petitioner;

(c) The petitioner;

(d) The medical director of a state or private institution if the proposed ward is a patient in, or on leave from, said institution.

Amend RSA 464-A:6, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. Appointed counsel shall immediately contact the proposed ward to ascertain if the proposed ward wishes to substitute other counsel. Appointed counsel shall inform the proposed ward that he or she shall be liable for attorney fees unless he or she is found indigent by the probate court. The appointed counsel for the proposed ward shall be compensated for his or her services at the same rate as appointed counsel in a misdemeanor case heard before the superior court.

Amend RSA 464-A:8, III, IV and V as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. If the proposed ward refuses to attend the hearing, the probate court may order his or her attendance.

IV. The rules of evidence shall apply and no hearsay evidence which is not otherwise admissible by exception in a court of law shall be admitted into evidence. In such proceedings, there is a legal presumption of capacity and the burden of proof shall be on the petitioner to prove the allegations set forth in the petition by competent evidence. Such proof must be established beyond a reasonable doubt that the proposed ward is incapacitated and in need of a guardian.

V. A record of the proceeding shall be made.

VI. All records, reports and evidence submitted to the court or recorded by the court for the purposes of this chapter shall be confidential. The issues before the court shall be determined at a closed hearing unless the counsel for the proposed ward otherwise requests.

Amend RSA 464-A:9, III (c) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(c) There are no available alternative resources which are suitable with respect to the incapacitated person's welfare, safety, and rehabilitation or the prudent management of his or her property and financial affairs; and

Amend RSA 464-A:9, IV as inserted by section one of the bill by striking out same and inserting in place thereof the following:

IV. No person determined to be incapacitated thus requiring the appointment of guardian of the person and estate, or the person, or the estate, shall be deprived of any legal rights, including the right to marry, to obtain a motor vehicle operator's license, to testify in any judicial or administrative proceedings, to make a will, to convey or hold property, or to contract, except upon specific findings of the court. The court shall enumerate in its findings which legal rights the proposed ward is incapable of exercising.

Amend RSA 464-A:27, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. No guardian shall purchase property of the ward, nor sell property of the guardian to the ward unless the price and manner of sale are approved by the probate court.

Amend RSA 464-A:37, I (b) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(b) Orders of notice of the biennial judicial review shall be served personally or by first class mail to the counsel for the ward, the ward, the guardian and any other person, agency or institution as the court deems appropriate. Orders of notice may be published if the court finds that publication is reasonably called for.

Amendment adopted.
Ordered to third reading.

RECONSIDERATION

Having voted with the prevailing side, Rep. Vaughan moved that the House reconsider its action whereby it killed HB 100, allowing certain relatives to deliver completed absentee ballots.

Rep. Newman spoke in favor of reconsideration.

Rep. Peter Ramsey spoke against reconsideration.

Reconsideration lost.

SENATE MESSAGE CONCURRENCE

HB 790, relative to property tax exemptions for the blind.

The subcommittee on Resolutions and Screening having approved its admittance, Reps. French and Spirou offered the following:

HOUSE RESOLUTION

WHEREAS, Thursday, April 26 is the agreed-upon date to take action on all House Bills that do not involve revenues or appropriations; and

WHEREAS, meeting this deadline requires long hours of preparation in the Office of the House Clerk; and

WHEREAS, the House Clerk and his staff have already put in many hours of overtime so that the deadline could be met in an orderly manner, now therefore, he it

RESOLVED, that the House of Representatives hereby commend House Clerk James A. Chandler, Assistant Clerk Carl A. Peterson and each and every member of the staff in the House Clerk's Office, and be it further

RESOLVED, that a copy of this resolution be prepared and presented to the House Clerk's Office.

Adopted.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third

reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Tuesday, May 1 at 12:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 580, relative to trying certain juveniles as adults.

HB 809, relative to the protection of persons from domestic violence.

HB 677, relative to the mandatory breakdown of rates and charges in public utility billing statements.

HB 847, to include registered clinical social workers in the category of services authorized under minimum mental illness coverage under major medical and non-major medical accident and health insurance.

HB 231, relative to the reporting of political contributions and expenditures of candidates for governor's councilor.

HB 654, relative to notice of tax sales.

HB 777, to remove restrictions on branch banking.

HB 771, relative to the sale of power by limited electrical energy producers.

HB 805, requiring complete fiscal responsibility in the decommissioning of nuclear electric generating facilities by operating utilities.

HB 859, to prohibit increased fuel adjustment charges based on substituted power and fuel costs.

HB 30, prohibiting a defeated candidate in a primary election from running for the same office as an independent in the biennial or special election.

HB 165, relative to disqualification from office.

HB 738, relative to verification of checklists.

HB 244, permitting changes in party affiliation to be registered with a town or city clerk.

HB 281, relative to absentee voting by persons observing religious commitments.

HB 449, concerning choosing delegates to national political conventions.

HB 745, revising the manner of nominating certain candidates for special elections.

HB 750, revising the voter registration form.

HB 766, relative to elections in cities, towns, and village districts.

HB 780, relative to school district elections.

HB 806, relative to political contributions, expenditures and advertising.

HB 714, relative to guardianship procedures.

UNANIMOUS CONSENT

Rep. Peterson addressed the House under unanimous consent.

RECESS

Rep. French moved that the House adjourn.
Adopted.

HOUSE JOURNAL 31

Tuesday 1 May 79

The House met at 12:30 p.m.

Prayer was offered by the House Chaplain, Rev. William L. Quirk.

Let us pray:

God our Father, almighty and eternal, we confidently call on You this day to be with us and lend us Your assistance.

We ask that You sustain us in the work that we are about to undertake and renew Your spirit and life within us. May all that we accomplish be done in a disposition of joy and with the willingness to serve others.

May all that we complete this day have its beginning with You, Almighty Father, and by You be happily ended. Amen.

Rep. Hendrick led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Close, John Winn, Fisher, Cotton, Grasso, Drew, Newell, Gauvin, Patricia Cote, Preston, Krasker, Emile Boisvert, Lamy, Hunt and Milton Cate, the day, illness.

Reps. Laurent Boucher, Healy, Catherine-Ann Day, Dolbec, Vlack, Shepard, Hoar, M. Arnold Wight, Burchell, Kalamanos and Maglaras, the day, important business.

Rep. Cecelia Winn, the day, illness in the family.

INTRODUCTION OF GUESTS

Jean Tufts, wife of Rep. Tufts; Mrs. Mansfield, and Wilson Mansfield, Jr., wife and son of Rep. Mansfield.

SENATE MESSAGES CONCURRENCE

HB 460, relative to certain supplemental appropriations.

HB 132, prohibiting construction of the Hampton liquor store in the town of Hampton Falls.

NONCONCURRENCE

HB 45, relative to the hunting season for black bear.

ENROLLED BILLS AMENDMENT

SB 41, relative to reserve requirements for banks.

Amendment

Amend section 1 of the bill by striking out line 14 and inserting in place thereof the following:

maturity of which shall not exceed 5 years.

The board of trust company

This amendment corrects the reference to the board of trust company incorporation. The word "company" was not included in the bill as passed.

Adopted.

COMMITTEE REPORTS (Consent Calendar)

Rep. French moved that the Consent Calendar, with the relevant committee amendments, be adopted as printed in today's House Record.

SB 113 was removed at the request of Rep. Hartford.

Adopted.

SB 60, increasing the maximum bond requirement of beer manufacturers and wholesalers. Ought to Pass.

This bill was introduced at the request of the State Liquor Commission and updates the surety bond requirement that each beer wholesaler and manufacturer must give the State of New Hampshire. Vote was 17-1. Rep. Ralph J. Morin for Regulated Revenues.

SB 25, establishing a committee to propose a recodification of the highway and road laws in title XX and other RSA titles and making an appropriation therefor. Ought to Pass.

The Transportation Committee feels the real problem stems from the manner in which applicable law relating to all facets of highways are spread throughout a myriad of statutes, many in vague terminology and some listed in areas that the normal person dealing with highways would never find. This bill will simplify the language so it will be much easier for those who have to apply the laws. Vote was 10-1. Rep. Kenneth C. Smith, Sr. for Transportation.

Referred to Appropriations.

The Speaker called for the Special Order.

HR 14, relative to the membership of the house rules committee. Inexpedient to legislate.

This resolution would make a drastic change in the composition of the House Rules Committee in the middle of the session. In view of the fact that the Committee found no evidence that such change is needed and because the resolution would require a 2/3 vote since it would suspend some of the provisions of House Rule 4, the Committee recommends that the sponsor present it for consideration at the beginning of the next legislative session. The vote was 4 to 1. Rep. Marshall French for Rules.

Rep. McManus moved that HR 14 be made a Special Order for 2:00, withdrew his motion and moved that HR 14 be made a Special Order at the end of the Regular Calendar.

On a voice vote, the Speaker was in doubt and requested a division.

114 members voting in the affirmative and 71 in the negative, the motion lost lacking the necessary two-thirds when less than two-thirds of the entire membership are present.

Rep. French requested a quorum count.
The Speaker declared a quorum present.

Rep. McManus moved that HR 14 be made a Special Order for the end of the Regular Calendar.

Rep. French spoke against the motion.
Rep. Spirou spoke in favor of the motion.
Motion lost.

Rep. McManus moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. French and Tucker spoke against the motion and yielded to questions.

Reps. Chase, Spirou and Rod Allen spoke in favor of the motion and yielded to questions.

Reps. Lyons, Dearborn, Coutermarsh, Townsend and Plourde spoke against the motion.

Rep. DeNafio spoke in favor of the motion.

Rep. Woodman moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YFAS 128 NAYS 202
YFAS 128

BELKNAP: Bordeaux, Gary Dionne and Hildreth.

CARROLL: Roderick Allen, Chase, Dickinson and Towle.

CHESHIRE: Daniel Eaton, Eisengrein, Lynch, Matson, Miller, Nims, O'Connor, William Riley and Jean White.

COOS: Elmer Beaulac, Bradley Haines, George Lemire, Mayhew and Alcide Valliere.

CRAFTON: Buckman, Chambers, Copenhagen, Crory, Michael King, Low, Pepitone, Seely, Snell and Thomson.

HILLSBOROUGH: Archambault, Baker, Bover, Burkush, Compagna, Corser, Donovan, Drewniak, Beverly Dupont, Joseph Dupont, Gabrielle Cagnon, Granger, Guidi, Hall, Hardy, Head, Hendrick, Lefebvre, Levesque, Madigan, McDonough, Mulligan, Nemzoff-Berman, Pappas, Pastor, Proulx, Peter Ramsey, Reidy, Silva, Leonard Smith, Soucy, Spirou, Stahl, James Sullivan, Rock Tremblay, Wallin, Welch, Kenneth Wheeler, James J. White and Zaidel.

MERRIMACK: Blakeney, Bodi, Carroll, Daniell, Holliday, LaBranche, O'Neill, Ralph, Rice, Selway, Stokes, Rick Trombly and Underwood.

ROCKINGHAM: Aeschliman, Blake, Butler, Carpenito, Collins, Gibbons, Kashulines, Keenan, Kozacka, Leslie, LoFranco, Joseph MacDonald, Nelson, Newman, Pantelakos, Peterson, Pevear, Pucci, Schwaner, Freda

Smith, Splaine, Warburton, Wojnowski and Woodman.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, James Hercheck, Joos, Lessard, McManus, Morrisette, Nadeau, Pine, Robinson, Sackett, Schreiber, Vaughan and Whitehead.

SULLIVAN: Edmund Belak, Brodeur, Sim Grav, LeBrun and Spanos.

NAYS 202

BELKNAP: Beard, Birch, Bowler, Downs, French, Hanson, Mansfield, Matheson, Morin, Nighswander, Randall, Sabhow and Sanders.

CARROLL: Desjardins, Heath, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Bayhutt, Callahan, Crane, Jesse Davis, Galloway, Gordon, Kohl, Ladd, Proctor, Russell, Scranton and Vrakatitsis.

COOS: Brungot, Burns, Chappell, Fortier, Guay, Horton, Richardson, Theriault, Willey, Wiswell and York.

CRAFTON: Ira Allen, George Cate, Christv, Dearborn, Foster, LaMott, Logan, Lowmes, Mann, McAvoy, McIver, Rounds, Taffe, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Arris, Aubut, Wilfrid Boisvert, Rosse, Brack, Carswell, Yvette Chagnon, Corey, Joseph Cote, Coutermarsh, Craig, Crotty, L. Penny Dion, Clyde Eaton, Nancy Gagnon, Gelinas, Heald, Howard Humphrey, Jamrog, Karnis, Keefe, Lahomharde, Lyons, Marcoux, Martineau, Mazur, McLaughlin, Morgan, Murray, Nardi, Naro, Odell, Aime Paradis, Peter Parady, Perkins, Peters, Plomaritis, Podles, Polak, David Ramsay, Record, Paul Riley, Roy, Sallada, Steiner, Stylianos, Francis Sullivan, Thiheault, Vachon, Van Loan, Wallace, Eliot Ware and Weaver.

MERRIMACK: Allgeyer, Ayles, Bellerose, Bibbo, John Cate, Clements, Colby, Epstein, Hill, James Humphrey, Kidder, Locke, Mitchell, Nichols, Packard, Paire, Plourde, Randlett, Doris Riley, William Roberts, Gerald Smith, Stio, Stockman, Trachv, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Appel, Benton, Bisbee, Blanchette, William Boucher, Marilyn Campbell, Connors, Roy Davis, Robert Dav, Ellvson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gould, Greene, Griffin, Hartford, Jackson, Jones, Kane, Roger King, Landry, Laycock, Lovejoy, McEachern, Parolise, Parr, Reese, Rogers, Scamman, Schmidtchen, Skinner, Stimmell, Sytek, Tavitian, Tufts, Helen Wilson and Wolfson.

STRAFFORD: Canney, Donnelly, Farnham, Gosselin, Hebert, Meader, Pray, Dennis Ramsey, Donald Smith, Tripp, Valley and Winkley.

SULLIVAN: Burrows, Cutting, Domini, Lucas, Palmer, Spaulding, Townsend, Tucker, Wiggins

and Williamson and the motion lost.

Question being on the committee report,
Inexpedient to Legislate.

Committee report adopted.

COMMITTEE REPORTS
(Regular Calendar)

SB 58, relative to the police standards
and training council. Ought to Pass with
Amendment.

There was complete agreement among the governing officials of municipalities and heads of police departments that an untrained police officer was a detriment to, and could be a financial and legal hazard to the municipality and to police department concerned. With this in mind, it is most appropriate that both full time and part-time police officers receive the best training available in the State. The powers of the Police Training and Standards Council are therefore expanded to provide full time officers with an intensive 8-week training course at the New Hampshire Police Academy; part-time officers to take an abbreviated training course (about 20 hours), conducted in geographical areas in the State. Police officers who are unarmed and have no powers of arrest (election attendants, disposal area attendants, etc.) shall not be required to attend a police training course. The entire program will serve to produce a far more knowledgeable and competent police officer, who will be a credit to the police department and to the community. Committee vote 11-0. Rep. Juanita E. Kashulines for Public Protection and Veterans' Affairs.

Amendment

Amend RSA 105-A:4, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. Promulgate rules for the administration of this chapter including but not limited to the manner which its provisions shall apply to full-time and part-time police officers; provided, however, that part-time police officers shall only be required to attend abbreviated police training programs in geographical areas throughout the state and that a police officer who is unarmed and has no powers of arrest shall not be required to attend a police training program.

Amendment adopted.

Referred to Appropriations.

Rep. Odell notified the Clerk that he wished to be recorded against SB 58.

HB 325, increasing the rate of the business profits tax and distributing the increased revenues to the cities and towns. Inexpedient to Legislate.

In the light of the very substantial increase in revenue from the business profits tax on the current rate level there appears to be no need to consider any increase at this time. To do so would not help to attract desirable

business expansion in New Hampshire. Vote was 12-0. Rep. Eliot B. Ware, Jr. for Ways and Means.

Resolution adopted.

HB 372, imposing a 5 per cent tax on capital gains to replace the interest and dividends tax. Inexpedient to Legislate. Although the interest and dividends tax on unearned income is basically not fair, the Committee was not prepared to make a major change in our tax structure to a tax on capital. Vote was 12-0. Rep. Susan McLane for Ways and Means.

Resolution adopted.

HB 397, concerning the collection of the road toll on users of fuel other than motor fuel. Ought to Pass with Amendment.

The amended bill doubles the road toll on diesel pleasure vehicles. As an example a Volkswagen diesel owner will now be paying seven cents a day road toll regardless of mileage driven. The bill still permits the owner the option of quarterly reporting and paying at 10 cents a gallon for all fuel used in the State. Vote was 11-1. Rep. Bruce C. Rounds for Ways and Means.

Rep. Vaughan moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Reps. French, Rounds, Dearborn and Wallin spoke against the motion and yielded to questions.

Rep. Farnham spoke in favor of the motion and yielded to questions.

Rep. Wiggins moved the previous question. Sufficiently seconded. Adopted.

Rep. Vaughan requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 111 NAYS 211

YEAS 111

BEKKNAP: Mansfield, Matheson, Sabhow and Sanders.

CARROLL: Roderick Allen, Dickinson, Howard, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Daniel Eaton, Galloway, Ladd, Matson, Miller, Nims, O'Connor and Jean White.

COOS: Chappell, Bradley Haynes and George Lemire.

GRAFTON: Copenhaver, Crorv, Pepitone, Seelv, Taffe and Walter.

HILLSBOROUGH: Brack, Burkush, Yvette Chagnon, Craig, Gelinas, Guidi, Hardy, Hendrick, Jamrog, Lahombarde, Lefebvre, Marcoux, Mazur, McDonough, McLaughlin, Nardi, Aime Paradis, Peter Parady, Plomaritis, Podles, Peter Ramsey, Steiner, Stylianos, Francis Sullivan, Thiheault, Rock Tremblay and Zajdel.

MERRIMACK: Rodi, Carroll, Colby, Epstein, Holliday, Locke, Nichols, Packard, Ralph, Randlett, Doris Riley, Stio, Stokes and Trachv.

ROCKINGHAM: Blake, Marilyn Campbell, Carpenito, Collins, Connors, Roy Davis, Ellyson, Beverly Gage, Jones, Kashulines, Roger King, Kozacka, Landry, Laycock, Leslie, LoFranco, Newman, Peterson, Pucci, Freda Smith, Tavitian, Warburton and Wojnowski.

STRAFFORD: Burchell, DeNafio, Farnham, Hebert, Lessard, Pine, Dennis Ramsey, Sackett, Schreiber, Valley and Vaughan.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, D'Amante, Domini, LeBrun, Lucas, Townsend and Williamson.

NAYS 211

BELKNAP: Beard, Birch, Bordeaux, Bowler, Garv Dionne, French, Hanson, Hildreth, Morin, Nighswander and Randall.

CARROLL: Chase, Desjardins, Heath and Keller.

CHESHIRE: Callahan, Crane, Jesse Davis, Eisengrein, Gordon, Kohl, Lynch, Moore, Proctor, William Riley, Russell, Scranton and Vrakatitsis.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Fortier, Horton, Oleson, Richardson, Theriault, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: Ira Allen, George Cate, Chambers, Christy, Dearborn, Foster, Michael King, LaMott, Logan, Low, Lowmes, Mann, McAvoy, Rounds, Snell, Thomson, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Archambault, Arris, Aubut, Baker, Wilfrid Boisvert, Bosse, Carswell, Compagna, Corey, Corser, Joseph Cote, Crott, L. Pennv Dion, Donovan, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Hall, Head, Heald, Howard Humphrey, Kaklamanos, Karnis, Keefe, Levesque, Lyons, Madigan, Martineau, Morgan, Morrison, Murray, Naro, Nemzoff-Berman, Odell, Pappas, Pastor, Perkins, Peters, Polak, Proulx, Record, Reidy, Paul Riley, Roy, Sallada, Silva, Leonard Smith, Soucy, Sprou, James Sullivan, Vachon, Van Loan, Wallace, Wallin, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler and James J. White.

MERRIMACK: Allgever, Ayles, Bellerose, Bibbo, Blakeney, John Cate, Clements, Daniell, Hill, James Humphrey, Kidder, LaBranche, McLane, Mitchell, O'Neill, Paire, Plourde, Rice, William Roberts, Selway, Gerald Smith, Stockman, Rick Trombly, Underwood, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Renton, Bisbee, Blanchette, William Boucher, Butler, Robert Dav, Dunfev, Felch, Flanagan, Joseph Flynn, Carl Gage, Gibbons, Gould, Greene,

Griffin, Hartford, Jackson, Kane, Loveioy, Joseph MacDonald, McEachern, Nelson, Pantelakos, Parolise, Parr, Pevear, Reese, Rogers, Scamman, Schmidtchen, Schwaner, Skinner, Stimmell, Sytek, Helen Wilson, Wolfson and Woodman.

STRAFFORD: Canney, Ronald Chagnon, Donnelly, Gosselin, Joos, Meader, Nadeau, Pray, Robinson, Donald Smith, Tripp, Whitehead and Winkley.

SULLIVAN: Burrows, Cutting, Sim Gray, Palmer, Spanos, Spaulding, Tucker and Wiggins, and the motion lost.

Question being on the adoption of the committee amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to estimated road tolls for users of fuel other than motor fuel.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Estimated Toll Increased. Amend RSA 265:22, IV as amended by striking out said paragraph and inserting in place thereof the following:

IV. For the purpose of determining the amount of the road toll herein imposed, each user shall, on or before the last day of April, July, October and January of every year, file with the director on forms prescribed by him, a report showing the total gallonage of fuels used within the state during the quarter ending the last day of the preceding month, and, at the same time, such user shall pay the road toll based upon the total gallonage shown on such report; provided, however, that a user operating a vehicle of the pleasure type may prepay an estimated toll based on twice the state fee for registering said vehicle. The toll for a full year (July 1 to June 30) shall be twice the registration fee for a full year. The fee for a period of less than a full year shall be prorated at 1/12 of the full year's estimated toll per month or fraction thereof. If a user operating a vehicle of the pleasure type elects to report on a quarterly basis the total gallonage of fuels used within the state, such report shall include the vehicle's odometer readings at the beginning and end of the reporting period, and a statement of the number of miles traveled within the state.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 426, relieving the local property taxpayer by widening the foundation of the New Hampshire income tax and making an appropriation therefor. Inexpedient to Legislate.

Until the economy of the State and the present tax structure proves inadequate to provide the needed revenues, the Committee felt that it was not necessary at this time to consider a 5 per cent tax on the income of resident and nonresident individuals and estates and trusts. Rep. Charles W. Weaver for Ways and Means.

Rep. Mann moved that the words, Refer to the Committee on Ways and Means for Interim Study, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Joseph Cote spoke against the motion.

Rep. Sackett spoke to the motion and yielded to questions.

Rep. Mann withdrew his motion.

Rep. French moved that HR 426 be Indefinitely Postponed and spoke to his motion.

Rep. Spirou spoke in favor of the motion and yielded to questions.

Rep. Daniell spoke against the motion and yielded to questions.

Reps. Paul Riley and Robinson spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 246 NAYS 69

YEAS 246

BFLKNAP: Birch, Bordeau, French, Hanson, Hildreth, Mansfield, Matheson, Morin, Sabhow and Sanders.

CARROLL: Roderick Allen, Chase, Desiardins, Dickinson, Heath, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Baybutt, Crane, Jesse Davis, Daniel Eaton, Eisengrein, Calloway, Gordon, Kohl, Matson, Miller, Moore, O'Connor, Russell, Vrakatitsis and Jean White.

COOS: Brungot, Burns, Chappell, Fortier, Bradley Haynes, Horton, Mayhew, Oleson, Richardson, Theriault, Willev, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Christy, Dearborn, Foster, Logan, Low, McAvoy, McIver, Pepitone, Rounds, Snell, Taffe, Thomson, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Archambault, Arris, Aubut, Baker, Wilfrid Boisvert, Bosse, Brack, Burkush, Carswell, Yvette Chagnon, Corey, Joseph Cote, Coutermarsh, Craig, Crotty, L. Penny Dion, Donovan, Drenniak, Beverly Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinias, Granger, Cuidi, Head, Heald, Howard Humphrey, Jamrog, Kaklamanos, Karnis, Keefe, Lahombarde, Levesque, Lyons, Madigan, Marcoux, Martineau, Mazur, McDonough, McLaughlin, Morgan, Mulligan, Naro, Nemzoff-Berman, Pappas, Aime Paradis, Peter Paradv, Perkins, Peters, Plomaritis, Podles, Polak, David Ramsay, Record, Reidy, Paul Riley, Roy, Sallada, Silva, Soucy, Spirou,

Stahl, Steiner, Stvlianos, Francis Sullivan, James Sullivan, Thiheault, Vachon, Van Loan, Wallace, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White and Zaidel.

MERRIMACK: Allgeyer, Ayles, Bibbo, Bodi, John Cate, Clements, Colby, Hill, James Humphrey, Kidder, Locke, Mitchell, Nichols, Plourde, Ralph, Randlett, Doris Rilev, William Roberts, Gerald Smith, Stockman, Rick Trombly, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Appel, Benton, Bisbee, Blake, Blanchette, William Boucher, Carpenito, Roy Davis, Robert Day, Dunfey, Ellvson, Felch, Planagan, Joseph Flynn, Beverly Gage, Gibbons, Jackson, Jones, Kane, Kashulines, Keenan, Roger King, Landry, Lavcock, LoFranco, Lovejoy, Joseph MacDonald, Nelson, Pantelakos, Parolise, Parr, Peterson, Pucci, Reese, Scamman, Schmidtchen, Schwaner, Skinner, Freda Smith, Splaine, Stimmell, Svtok, Tavitian, Tufts, Helen Wilson, Wojnowski, Wolfesen and Woodman.

STRAFFORD: Canney, Ronald Chagnon, DeNafio, Donnellv, Farnham, Cosselin, Hebert, James Herchek, Lessard, Meader, Nadeau, Pray, Triop, Vaughan and Whitehead.

SULLIVAN: Brodeur, Burrows, Cutting, D'Amante, LeBrun, Lucas, Palmer, Spaulding, Tucker, Wiggins and Williamson.

NAYS 69

BELKNAP: Beard, Bowler, Garv Dionne, Downs and Nighswander.

CARROLL: Towle.

CHESHIRE: Ladd, Lvnch, Nims, Proctor, William Rilev and Scranton.

COOS: None.

GRAFTON: Copenhagen, Crory, Michael King, LaMott, Lowmes, Mann and Seely.

HILLSBOROUGH: Corser, Hall, Hardy, Hendrick, Morrison, Murrav, Odell, Pastor, Proulx, Peter Ramsev and Leonard Smith.

MERRIMACK: Blakeney, Carroll, Daniell, Epstein, Holliday, McLane, Paire, Rice, Selway and Trachy.

ROCKINGHAM: Butler, Marilyn Campbell, Carl Gage, Gould, Greene, Griffin, Hartford, Kozacka, Leslie, McEachern, Newman, Pevear, Rogers and Warburton.

STRAFFORD: Burchell, McManus, Morrisette, Pine, Robinson, Sackett, Schreiber, Donald Smith, Valley and Winklev.

SULLIVAN: Edmund Belak, David Campbell, Sim Cray, Spanos and Townsend, and the motion to Indefinitely Postpone was adopted.

Reps. Warburton and Peter Ramsey notified the Clerk that they inadvertently voted nay and meant to vote yea.

HB 432, relative to the application of the rooms and meals tax. Ought to Pass.
 HB 437 expands and clarifies the definition of restaurant in the RSA. The exclusion of single serving beverage machines will eliminate a time consuming, no compliance problem with minor revenue loss. The Committee vote was 13-0. Rep. Marjorie V. Peters for Ways and Means.

Ordered to third reading.

HB 434, relative to a land gains tax. Refer to the Committee on Ways and Means for Interim Study.

House Bill 434 could be an instrument to control growth by taxing land developers who turn over land quickly while protecting land owners who have held their land for more than six years. However, there are a number of issues connected with the bill which must first be resolved, therefore the Committee recommends it be referred to interim study. Vote was 10-3. Rep. Jean R. Wallin for Ways and Means.

Referred to the Committee on Ways and Means for Interim Study.

HB 500, relative to a gross production tax on certain minerals. Inexpedient to Legislate.

The Majority of the Committee felt this act would deter companies interested in mineral exploration from making the necessary investments. This act would also create an unrealistic burden on contractors dealing in road and building constructing. If at some later date significant deposits of nonferrous metals or ferrous metals were discovered it could be addressed at that time. Vote was 11-2. Rep. James W. Sullivan for Ways and Means.

Resolution adopted.

HB 509, relative to exemption from the rooms and meals tax for nonprofit social clubs and fraternal organizations. Inexpedient to Legislate.

The argument that a 6% tax is causing the demise of social clubs is difficult to believe when lounges charging \$1.50 per drink and 9¢ tax are not going broke! The estimated impact of \$700,000 per biennium is too great to consider. Rep. Marjorie V. Peters for Ways and Means.

Rep. Spiro moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Peters spoke against the motion.

Reps. Zajdel, Plourde, Coutermarsh and McDonough spoke in favor of the motion.

Rep. McLane spoke against the motion and yielded to questions.

Motion lost.

Question being on the committee report, Inexpedient to Legislate.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 191 NAYS 112

YEAS 191

BEIKNAP: Birch, Carv Dionne, French, Hanson, Matheson, Nighswander, Randall and Sanders.

CARROLL: Roderick Allen, Chase, Desjardins, Heath, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Baybutt, Crane, Jesse Davis, Fisengrein, Kohl, Ladd, O'Connor, William Riley, Russell, Scranton and Vrakatitsis.

COOS: Burns, Chappell, Fortier, Bradlev Haynes, Horton, Mayhew, Oleson, Theriault, Alcide Valliere and Willev.

GRAFTON: Ira Allen, George Cate, Foster, Michael King, LaMott, Logan, Lownes, Mann, McAvoy, McIver, Pepitone, Rounds, Seely, Snell, Taffe, Ward and Andrew Ware.

HILLSBOROUGH: Ainley, Arris, Rosse, Yvette Chagnon, Corser, Joseph Cote, Coutermarsh, L. Penny Dion, Donovan, Clyde Eaton, Joseph Eaton, Nancy Gagnon, Hall, Head, Heald, Karnis, Keefe, Lyons, Milton Meyers, Morgan, Morrison, Murray, Naro, Nemzoff-Berman, Odell, Peter Parady, Pastor, Perkins, Peters, Podles, Paul Riley, Sallada, Silva, Leonard Smith, Stahl, Steiner, Stvilanos, Francis Sullivan, Vachon, Van Loan, Eliot Ware, Weaver, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Allgever, Avles, Bibbo, Carroll, John Cate, Daniell, Holliday, James Humphrey, Kidder, LaBranche, Locke, McLane, Mitchell, Nichols, Paire, Randlett, Rice, Doris Riley, William Roberts, Gerald Smith, Stockman, Rick Trombly and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Blake, Blanchette, Butler, Marilyn Campbell, Roy Davis, Ellyson, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Griffin, Hartford, Jackson, Jones, Kane, Keenan, Kozacka, Lavcock, LoFranco, Lovejoy, McEachern, Nelson, Newman, Parr, Pevear, Reese, Rogers, Scaman, Schmidtchen, Schwaner, Skinner, Stimmell, Sytek, Tavitian, Warburton, Helen Wilson, Wolfson and Woodman.

STRAFFORD: Burchell, Cannev, Cosselin, Hebert, Joos, McManus, Meader, Pine, Pray, Dennis Ramsev, Robinson, Schreiber, Donald Smith, Tripp, Valley and Whitehead.

SULLIVAN: Edmund Belak, Cutting, Domini, Sim Grav, Lucas, Palmer, Spaulding, Townsend, Tucker and Wiggins.

NAYS 112

BEIKNAP: Beard, Bordeau, Downs, Hildreth and Morin.

CARROLL: Dickinson and Towle.

CHESHIRE: Daniel Eaton, Matson, Miller, Nims and Proctor.

AMENDMENTS TO HB700	(CONT.) (CONT.) (CONT.) (CONT.)	FISCAL YEAR 1980	-----	FISCAL YEAR 1981
01 GENERAL GOVERNMENT				
03 EXECUTIVE OFFICE				
03 COUNCIL ON ENERGY				
03 CAR POOL PROGRAM				
TOTAL		47,400		47,400
01 GENERAL GOVERNMENT				
03 EXECUTIVE OFFICE				
03 COUNCIL ON ENERGY				
06 NO. 2 FUEL OIL PRICE MONITORING				
STRIKE OUT				
50 OTHER PERSONAL SERVICES		2,200		2,200
INSERT				
59 FULL-TIME TEMPORARY		2,200		2,200
STRIKE OUT				
60 BENEFITS		135		141
INSERT IN PLACE THEREOF				
60 BENEFITS		352		352
TOTAL		4,102		4,102
ESTIMATED SOURCE OF FUNDS FOR				
NO. 2 FUEL OIL PRICE MONITORING				
STRIKE OUT				
FEDERAL FUNDS		3,885		3,891
INSERT IN PLACE THEREOF				
FEDERAL FUNDS		4,102		4,102
TOTAL		4,102		4,102
TOTAL			757,127	711,502
ESTIMATED SOURCE OF FUNDS FOR				
COUNCIL ON ENERGY				
FEDERAL FUNDS				
TOTAL			757,127	711,502
01 GENERAL GOVERNMENT				
03 EXECUTIVE OFFICE				
04 COORDINATOR OF FEDERAL FUNDS				
STRIKE OUT				
80 OUT-OF-STATE TRAVEL		1,500		1,500

HB 730, establishing a tax relief program for the elderly and disabled based on property tax or rental expenditures. Inexpedient to Legislate.

Committee felt that exemptions existing are sufficient relief and to add further relief would only complicate an already cumbersome operation for cities and towns. The final decision was that it would not be feasible to administrate. Vote was 13-0. Rep. Floyd A. Kohl for Ways and Means.

Resolution adopted.

HB 847, relative to the timber yield tax. Ought to Pass with Amendment. This bill with amendment will exempt all landowners from timber severance tax on cordwood cut for fuel. It creates an interim study Committee to report to 1981 session on recommendations for the yield tax. Vote was 14-0. Rep. Elmer L. Johnson for Ways and Means.

Amendment

Amend RSA 79:3-b as inserted by section 1 of the bill by striking out same and inserting in place thereof the following: 79:3-h Exemption. Land owners shall be exempt from the yield tax on all cordwood for fuel.

Amendment adopted.
Rep. Bowler offered an amendment.

Amendment

Amend the bill by striking out section one and renumbering sections 2 and 3 to read as:

1 and 2 respectively.

The Clerk read the amendment.
Rep. Bowler explained the amendment.
Rep. Elmer Johnson spoke against the amendment and yielded to questions.
Rep. McLane spoke in favor of the amendment and yielded to questions.
Rep. Dickinson spoke in favor of the amendment.
Rep. Mayhew spoke against the amendment.
Rep. Elmer Johnson spoke a second time against the amendment.

On a voice vote, the Speaker was in doubt and requested a division.

216 members having voted in the affirmative and 97 in the negative, the amendment was adopted.

Ordered to third reading.

HB 2016, relating to the flat grants system of state aid to education. Refer to the Committee on Ways and Means for Interim Study.

The most difficult section of any tax is the distribution formula. Presently, much New Hampshire tax revenue is given back to cities and towns in a way that makes the rich towns richer and the poor towns poorer. Interim study would allow the Committee to set up econometric modeling of all types of State aid and to study the present school funding.

Vote was 13-0. Rep. Susan McLane for Ways and Means.

Referred to the Committee on Ways and Means for Interim Study.

SB 113, providing for the confidentiality of pistol permits. Ought to Pass with Amendment.

The basic bill made confidential the names and addresses of persons to whom permits to carry concealed handguns had been granted; as amended, the bill now also forbids disclosure of the names and addresses of those individuals, companies, etc. who have been granted permits to purchase, store and use high explosives. The location of sensitive items such as handguns and explosives should receive the maximum degree of privacy and protection to assure their non-availability to criminal and subversive elements. Vote was 8-1. Rep. Juanita E. Kashulines for Public Protection and Veterans' Affairs.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

providing for the confidentiality of pistol permits and license issuances for possession of high explosives.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Confidentiality of Licenses Issued for Possession of High Explosives. Amend RSA 158 by inserting after section 9-f the following new section:

158:9-g Confidentiality of Licenses. Notwithstanding the provisions of RSA 91-A:4 or any other provision of law to the contrary, all papers and records, including applications, pertaining to the issuance of licenses pursuant to RSA 158:9-b and all licenses issued pursuant to said section are subject to inspection only by law enforcement officials of the state or any political subdivision thereof or of the federal government while in the performance of official duties or upon written consent, for good cause shown, of the superior court in the county where said license was issued.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Hartford moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, spoke to her motion and yielded to questions.

Reps. Benton, Snell, Woodman, Wiggins, Kashulines and Dearborn spoke against the motion.

Reps. Newman, Doris Riley and Griffin spoke against the motion and yielded to questions.

Rep. Blakeney spoke in favor of the motion.

Rep. Walter moved the previous

question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 39 NAYS 289

BFLKNAP: Bowler, Garv Dionne, Hildreth and Nighswander.

CARROLL: None.

CHESHIRE: Crane, Lynch and Scranton.

COOS: Mayhew and Willev.

GRAFTON: Chambers, Copenhaver, Croy, Michael King and McIver.

HILLSBOROUGH: Joseph Eaton, Hall, Morrison, Nemzoff-Berman, Pastor and Wallin.

MERRIMACK: Blakeney, Daniell, Epstein, McLane, Ralph and Stokes.

ROCKINGHAM: Greene, Hartford, Kane, Leslie, Lovejoy, Pevear and Woodman.

STRAFFORD: DeNafio, McManus, Sackett, Schreiber and Vallev.

SULLIVAN: Spanos.

NAYS 289

BFLKNAP: Beard, Birch, Bordeau, Downs, French, Hanson, Mansfield, Matheson, Morin, Randall, Sabbow and Sanders.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson, Heath, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Jesse Davis, Daniel Eaton, Eisengrein, Galloway, Gordon, Johnson, Kohl, Ladd, Matson, Miller, Moore, Nims, O'Connor, Proctor, William Riley, Russell, Vrakatis and Jean White.

COOS: Elmer Beaulac, Bouchard, Brugot, Burns, Chappell, Guay, Bradley Haynes, Horton, George Lemire, Oleson, Richardson, Theriault, Alcide Valliere, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Gate, Christy, Dearborn, Foster, LaMott, Logan, Low, Lownes, Mann, McAvoy, Pepitone, Rounds, Seely, Snell, Taffe, Thomson, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainlev, Archambault, Arris, Aubut, Baker, Wilfrid Boisvert, Bosse, Brack, Burkush, Carswell, Yvette Chagnon, Corey, Corser, Joseph Cote, Coutermarsh, L. Penny Dion, Donovan, Clyde Eaton, Gabrielle Gagnon, Nancev Gagnon, Granger, Guidi, Hardy, Head, Heald, Hendrick, Howard Humphrey, Jamrog, Kaklamanos, Karnis, Keefe, Lahombarde, Lefebvre, Levesque, Lyons, Madigan, Marcoux, Martineau, Mazur, McDonough, McLaughlin, Milton Meyers, Morgan, Mulligan, Murrav, Nardi, Naro, Odell, Pappas, Aime Paradis, Perkins, Peters, Plomaritis, Podles, Polak, Proulx, David Ramsay, Record, Reidy, Paul Riley, Roy, Sallada, Silva, Leonard Smith, Soucy,

Stahl, Steiner, Stylianos, Francis Sullivan, James Sullivan, Thibeault, Vachon, Van Loan, Wallace, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Allgever, Avles, Bellerose, Bibbo, Bodi, Carroll, John Cate, Clements, Colby, Hill, Holliday, James Humphrey, LaBranche, Locke, Mitchell, Nichols, O'Neill, Packard, Paire, Plourde, Randlett, Rice, Doris Riley, William Roberts, Selway, Gerald Smith, Stio, Stockman, Rick Trombly, Ernest Valliere, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Bisbee, Blake, Blanchette, William Roucher, Butler, Marilyn Campbell, Carpenito, Collins, Connors, Roy Davis, Robert Dav, Dunfey, Ellyson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gibbons, Gould, Griffin, Jackson, Jones, Kashulines, Keenan, Roger King, Kozacka, Landry, Lavcock, LoFranco, Joseph MacDonald, McEachern, Nelson, Newman, Pantelakos, Parolise, Parr, Peterson, Pucci, Oumby, Reese, Rogers, Scamman, Schmidtchen, Schwaner, Skinner, Freda Smith, Splaine, Stimell, Sytek, Tavitian, Tufts, Warburton, Helen Wilson, Woinowski and Wolfson.

STRAFFORD: Burchell, Cannev, Ronald Chagnon, Donnelly, Farnham, Gosselin, Hebert, James Herche, Joos, Lessard, Meader, Morrisette, Nadeau, Pine, Prav, Dennis Ramsey, Robinson, Donald Smith, Tripp, Vaughan and Whitehead.

SULLIVAN: Edmund Belak, Brodeur, Burrows, David Campbell, Cutting, D'Amante, Domini, Sim Gray, LeBrun, Lucas, Palmer, Spaulding, Townsend, Tucker, Wiggins and Williamson, and the motion lost.

Ordered to third reading.

Rep. McIver notified the Clerk that he inadvertently voted yea and meant to vote nay.

ENROLLED BILLS REPORT

HB 132, prohibiting construction of the Hampton liquor store in the town of Hampton Falls.

HB 460, relative to certain supplemental appropriations.

Sen. Laurier Lamontagne
For the Committee

UNANIMOUS CONSENT

Reps. Farnham and Williamson addressed the House under unanimous consent.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Wednesday, May 2 at 12:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 113, providing for the confidentiality of pistol permits.

SB 60, increasing the maximum bond requirement of beer manufacturers and wholesalers.

HB 432, relative to the application of the rooms and meals tax

HB 559, relative to the resident tax.

HB 612, to clarify and amend the business profits tax and the law relative to the department of revenue administration.

HB 613, requiring suspension of liquor licenses for failure to pay rooms and meals tax.

HB 847, relative to the timber yield tax.

RECESS

Rep. French moved that the House adjourn.
Adopted.

HOUSE JOURNAL 32

Wednesday 2 May 79

The House met at 1:00 p.m.

Prayer was offered by guest Chaplain, Bishop Edward G. Carroll, Methodist bishop for the Boston area, a guest of Rep. Warburton.

Let us pray:

O Thou whose strength sustains us in our labor and whose spirit supports us in our leisure, grant unto us the consciousness of Thy presence as we face this day, that our work may not be a burden but a delight, our rest not be troubled by fear but filled with faith, and our lives not be haunted by the bitter acts of others but hallowed by the brighter attitudes of our own.

Give us the faith that never falters, the hope that never fails and the love which never falls by the way as we live through these troubled times. May our concern for our state help us to lift the fallen, strengthen the weak and sustain the weary that we may hasten the dawn of a new day for our people and for all mankind.

May Thy choicest blessings rest upon Governor Hugh J. Gallen and on each of the legislators in this great state.

In the Master's name we pray. Amen.

Rep. Lovejoy led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Close, Sal Grasso, Margaret Ramsay, Newell, Cotton, Patricia Cote, Fisher, John Winn, Gordon, Lamy, Emile Boisvert, Krasker, Vvette Chagnon, Ralph, Preston, Gauvin and Hunt, the day, illness.

Reps. Dolbec, Maglaras, Laurent Boucher, Spanos, Healy, Vlack, Shepard, M. Arnold Wight, Stahl, Blanchette, Catherine-Ann Day, Sabbow, Martineau, Rick Trombliv, Kaklamanos, Crott, Beverly Dupont, Roland Lemire and McManus, the day, important business.

Rep. Cecelia Winn, the day, illness in the family.

INTRODUCTION OF GUESTS

Rev. Ralph Bruce, Superintendent of the Southern District New Hampshire Methodist Church, guest of Rep. Warburton; Alexander Mandych, senior from St. Thomas Aquinas High School in Dover, and winner of the Good Citizen of the Year Award presented by the National Chapter of the Daughters of the American Revolution, and his father, Mr. Peter Mandych and sister, Marika Mandych, guests of the House; Mrs. Raymond Gurish, Mrs. Oscar Brown, Mrs. Majorie Sullivan and Mrs. Kenneth Maybe, representatives of the New Hampshire Chapter of the Daughters of the American Revolution; Miss Lorraine Martin, guest of Rep. Lessard; Miss Victoria

Zachos, national committeewoman for the New Hampshire Republican Party.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 94, relative to the payment of judgments. (Judiciary)

SB 199, relative to the definition of public waters. (Public Works)

SB 720, relative to the establishment of a wetlands board. (Resources, Recreation and Development)

SB 251, relative to fill and dredge procedures. (Resources, Recreation and Development)

SB 156, authorizing towns with a population of 1,000 or less to operate an open burning dump. (Environment and Agriculture)

SB 174, relative to a trapping education program. (Fish and Game)

SB 254, requiring the reporting of petroleum inventories and expected deliveries at primary storage facilities in the State of New Hampshire. (Transportation)

SB 164, concerning supervisory union laws. (Education)

SB 166, making the executive director of the postsecondary education commission an unclassified position. (Appropriations)

SB 176, relative to the board of trustees for the youth development center. (State Institutions)

SB 72, relative to the contents of bills. (Legislative Administration)

SB 218, amending certain provisions of the charter of the city of Manchester relative to competitive bidding in certain cases. (Municipal and County Government)

SB 212, relative to the temporary removal of prisoners. (Judiciary)

SB 178, concerning eminent domain. (Statutory Revision)

SB 269, creating a marketable record title act. (Judiciary)

SB 245, relative to funding Portsmouth's solid waste disposal facility. (Municipal and County Government)

SB 116, relative to withholding building permits pending zoning law changes in cities. (Municipal and County Government)

SB 119, relative to the posting of notice of hearings on zoning ordinances in towns and village districts. (Municipal and County Government)

SB 170, authorizing local communities to waive the requirements of inventory filings. (Municipal and County Government)

SB 175, increasing deductions in determining wages of certain employees. (Labor, Human Resources and Rehabilitation)

SB 173, providing for mandatory continuing education for persons holding licenses as certified public accountants. (Commerce and Consumer Affairs)

SB 185, relative to the duties of trustees of cemetery trust funds. (Municipal and County Government)

SB 171, relative to the method of filling vacancies on the Portsmouth School Board. (Municipal and County Government)

SB 216, relative to the board of trustees of the New Hampshire annual conference of the United Methodist Church. (Statutory Revision)

SB 229, relative to the protection by an individual of his home and property without incurring civil liability. (Judiciary)

SB 230, relative to professional fund raising promotions. (Statutory Revision)

SCR 8, relative to the reimbursement of the state by the Federal government for programs enacted by Congress. (State-Federal Relations)

SCR 7, relative to the importance of adequate energy supplies to tourism and tourism to the economy. (State-Federal Relations)

SCR 9, memorializing the United States Congress to reject amendments to the McCarran-Ferguson Act. (State-Federal Relations)

SB 139, relative to the practice of public accountancy by foreign accountants. (Commerce and Consumer Affairs)

SB 114, relative to notifying abutters of a road or highway to be discontinued or released and discharged. (Municipal and County Government)

SB 34, establishing a study commission for an impact survey on the removal of advertising devices and making an appropriation therefor. (Legislative Administration)

SB 198, relative to the degree granting powers of Daniel Webster College. (Education)

SB 223, authorizing Nathaniel Hawthorne College to grant the master of business administration degree. (Education)

SB 255, extending the authority of Magdalen College to grant degrees. (Education)

SB 65, establishing a committee to study the state planning and zoning statutes and making an appropriation therefor. (Legislative Administration)

SB 108, reimbursing Leona Foote for certain legal expenses and making an appropriation therefor. (Appropriations)

SB 191, making an appropriation to the office of state planning for grants for projects authorized by the Public Works and Economic Development Act of 1965. (Public Works)

SB 52, relative to the reduction of an employer's lien under workmen's compensation in settlement with third parties. (Labor, Human Resources and Rehabilitation)

SB 64, increasing certain fees of sheriffs and deputy sheriffs. (Municipal and County Government)

SB 66, relative to the per diem paid to deputy sheriffs. (Municipal and County Government)

SB 93, authorizing the Berlin water works to use an increased amount of water from the Godfrey dam and reservoir. (Resources, Recreation and Development)

SB 115, relative to the removal of town treasurers upon discovery of irregularities. (Municipal and County Government)

SB 143, relative to sewer system capital reserve funds. (Appropriations)

SB 146, establishing a committee to study the need for licensing oil burner servicemen. (Legislative Administration)

SB 135, relative to pre-paid legal services. (Commerce and Consumer Affairs)

SB 31, providing for the sale of lucky 7 tickets by the sweepstakes commission and making the commission the sole manufacturer and distributor of gaming materials and equipment. (Regulated Revenues)

SB 266, relative to increasing the tandem axle limit for 5 axle tractor semi-trailers. (Transportation)

SB 224, relative to the issuance of boat plates. (Transportation)

SB 123, relative to dental practice in New Hampshire. (Executive Departments and Administration)

SB 150, relative to the creation of an incentive plan for nursing homes cost containment. (Health and Welfare)

SB 63, expanding the scope of the practice of optometry to permit the use of drugs for diagnostic purposes. (Health and Welfare)

SB 151, authorizing savings and cooperative banks to give security for certain deposits of public funds. (Commerce and Consumer Affairs)

SB 227, relative to capital stock conversion by cooperative banks, building and loan associations and savings and loan associations. (Commerce and Consumer Affairs)

SB 202, relative to the regulation of open-end second mortgage home loans. (Commerce and Consumer Affairs)

SB 250, authorizing the establishment of municipal economic development and revitalization districts. (Municipal and County Government)

SB 265, relative to the naming of children on birth certificates. (Statutory Revision)

SB 221, relative to the license and control of the practice of rehabilitation counseling. (Executive Departments and Administration)

SB 183, eliminating the authority of the labor commissioner to establish wages for employees on public works projects. (Labor, Human Resources and Rehabilitation)

SB 177, establishing minimum standards for energy conservation in new building construction. (Science and Technology)

SB 28, relative to absentee voting by certain persons. (Statutory Revision)

SB 137, authorizing the construction of a seacoast liquor store. (Public Works)

SB 48, relative to the termination of a group life insurance policy. (Commerce and Consumer Affairs)

SB 159, relative to workmen's compensation claims in certain cases. (Labor, Human Resources and Rehabilitation)

SB 33, to include licensed pastoral counselors in the category of services authorized under minimum mental illness coverage under major medical and non-major medical accident and health insurance. (Commerce and Consumer Affairs)

SB 246, relative to deputy clerks in district courts. (Municipal and County Government)

SB 217, allowing self-proving wills. (Judiciary)

SB 130, relative to combinations and monopolies. (Judiciary)

SB 203, changing the name of the consumer protection division of the office of the attorney general to the consumer protection and antitrust division. (Judiciary)

SB 215, relative to defining beneficially interested persons under the probate act. (Judiciary)

SB 79, allowing victims of crimes to have their views considered in pre-sentence investigations. (Judiciary)

SB 145, concerning the destruction of certain welfare records by the director of the division of welfare. (Health and Welfare)

SB 209, relative to adopting the uniform limited partnership act. (Judiciary)

SB 62, authorizing a fee for publication of notice in probate proceedings. (Judiciary)

SB 208, amending the land sales full disclosure act and the condominium act. (Commerce and Consumer Affairs)

SB 76, relative to qualifications of persons employed in the sale or distribution of liquor or beverages. (Regulated Revenues)

SB 128, relative to retired probate judges sitting as masters in contested cases. (Judiciary)

SB 259, relative to the regulation of franchise practices. (Judiciary)

SB 193, providing an associate justice of the Concord District Court. (Judiciary)

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. George Roberts, Lyons, Parr, Skinner and Chase offered the following:

HOUSE RESOLUTION NO. 20

Congratulating Alexander Mandych,
D.A.R. Good Citizen of the Year

WHEREAS, the National Society of the Daughters of the American Revolution holds an annual good citizen contest to determine the high school student with the highest combined knowledge of American history, leadership ability and patriotism in the United States, and

WHEREAS, Alexander Mandych of Dover, New Hampshire was selected as the winner of the competition held in this state, and

WHEREAS, this young patriot proceeded to compete in the regional competitions for this coveted award and was also successful in those competitions, and

WHEREAS, he then competed in April of this year with the regional winners from the various other forty-nine states, and

WHEREAS, Alexander Mandych was selected as the national winner of the National Society, Daughters of the American Revolution Good Citizen Award for the year 1979, and

WHEREAS, he received this presentation on April 18, 1979 at the Continental Congress, in Constitution Hall, Washington, District of Columbia, now therefore be it

RESOLVED, that the New Hampshire House of Representatives in session this second day of May, nineteen hundred and seventy-nine, does hereby extend its heartiest congratulations to Alexander Mandych for this high honor and commends him for the splendid qualities of leadership, scholastic accomplishment and patriotism which he has demonstrated and for the distinct honor and prestige he has brought to the state of New Hampshire, and be it further

RESOLVED, that a copy of this resolution shall be made a part of the permanent records of the New Hampshire House of Representatives.

Adopted unanimously.

The Subcommittee on Resolutions and Screening having approved its admittance, Reps. George Roberts, Parr, Pevear, Joseph Flynn, Woodman and Dunfey offered the following:

HOUSE RESOLUTION NO. 21

Honoring George Bashas
on his 100th birthday

WHEREAS, George Bashas of Hampton, native of Greece, immigrant, shoe worker, entrepreneur, merchant, husband and parent was born in Bourboutsko, Macedonia on April 27, 1879, and

WHEREAS, Mr. Bashas became a centenarian last week and was the guest of honor at an open house in celebration of that achievement, and

WHEREAS, Mr. Bashas began his life in America in 1901, after escaping Turkish rule in Greece to work in the shoe factories of Manchester until his wife could join him eight years later, and

WHEREAS, through determination and industry he turned a small dry goods store into a successful retail business while raising six children who in turn, have blessed him with fifteen grandchildren and nine great grandchildren, now therefore be it

RESOLVED, that the House of Representatives by these presents, honors this man, who, by his example has proved the American experiment to be a success and has given further credence to Theodore Roosevelt's observation that Americanism is a question of principle, idealism and of character and not a matter of birthplace or creed or line of descent.

Rep. Spirou spoke to the resolution.

Adopted unanimously.

COMMITTEE REPORTS (Regular Calendar)

SUSPENSION OF RULES

Rep. French moved that the rules be so far suspended as to permit consideration at the present time of HB 387, establishing the New Hampshire Crime Commission, without the required notice and publication of amendment in the Calendar.

Adopted by the necessary two-thirds.

HB 387, establishing the New Hampshire Crime Commission. Ought to Pass with Amendment.

This bill establishes the Governor's Commission on Crime and Delinquency as a statutory agency, thereby making it eligible for continued federal funding. The amendment adds the Director of the Youth Development Center as a statutory member of the Crime Commission and clarifies the funding aspect of the bill. Unanimous vote of committee. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 7-B:3, II and III as inserted by section 1 of the bill by striking out said paragraphs and inserting in place thereof the following:

II. The commission shall be composed of 30 members who shall be appointed by the governor with the advice and consent of the council, and shall serve for a 4 year term, and may be reappointed for no more than one additional consecutive term, or until a successor is appointed, with the following exceptions: the attorney general, commissioner of safety, warden of the state prison, superintendent of the youth development center and members of the judiciary required by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall serve coterminously with their terms of state office. The 30 member commission shall also include 2 members of the general court, consisting of one member of the senate appointed by the president of the senate and one member of the house appointed by the speaker of the house. The members of the general court shall serve for the period of their legislative term during which they were appointed, and may be reappointed by their respective presiding officers so long as they are members of the general court. Should any member cease to be an officer or employee of the unit or agency he is appointed to represent, his membership on the commission shall terminate immediately and a new member shall be appointed in the same manner as his predecessor to fill the unexpired term. Other vacancies occurring, except those by the expiration of the term, shall also be filled for the balance of the unexpired term. All vacancies shall be filled within 30 days of the vacancy.

III. Of the remaining 21 members first appointed by the governor and council after the effective date of this act, 8 shall serve for a term of 2 years, 7 shall serve for a term of 3 years, and 6 shall serve for a term of 4 years. All appointments shall be in accordance with the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Duration. The New Hampshire crime commission established pursuant to RSA 7-B shall continue to exist only as long as the state's share does not exceed 10 percent of the total federal award for said commission in any fiscal year; if the state's share of the total federal award for the commission in any fiscal year exceeds 10 percent, the functions of the commission shall be terminated at the end of the current fiscal year and RSA 7-B is repealed effective June 30 of that particular year. The foregoing provisions shall in no way preclude review and termination of this commission under the provisions of RSA 17-G.

Amend RSA 490-A:4 as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

490-A:4 Judicial Planning Committee. To carry out the provisions of this chapter and Part II, article 73-A, of the New

Hampshire Constitution, the judicial planning committee of the supreme court may, in addition to any powers provided to the committee by the Omnibus Crime Control and Safe Streets Act of 1968 and amendments thereto, establish priorities and annual plans for the improvement of the court; define, develop and coordinate programs and projects for court improvement; develop plans for the allocation and expenditure of private, local, state and federal monies available for the courts; carry out a program of systematic implementation of standards and goals for the improved administration of the court system; direct the preparation of court system budgets; evaluate grant requests deemed in the interest of the judicial branch of government; collect and report statistics and data on the court system; and study the judicial impact of legislation affecting the court system. The committee may employ a director and such staff and consultants as it may determine based upon the availability of federal funds; and shall establish such subcommittees as deemed advisable.

Amend section 7 of the bill by striking out same and inserting in place thereof the following:

7 Severability. The provisions of this act shall be liberally construed to effectuate the purposes thereof. If any provision of this act or the application thereof to any person or circumstances is held invalid, the act shall be effective without the invalid provision or application, and to this end the provisions of this act are severable.

Amendment adopted.

Rep. Tucker offered an amendment.

Amendment

Amend RSA 7-B:3, II and III as inserted by section 1 of the bill by striking out said paragraphs and inserting in place thereof the following:

II. The commission shall be composed of 30 members who shall be appointed by the governor with the advice and consent of the council, and shall serve for a 4 year term, and may be reappointed for no more than one additional consecutive term, or until a successor is appointed, with the following exceptions: the attorney general, commissioner of safety, warden of the state prison, superintendent of the youth development center and members of the judiciary required by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall serve coterminously with their terms of state office. The 30 member commission shall also include 2 members of the general court, consisting of one member of the senate appointed by the president of the senate and one member of the house appointed by the speaker of the house. The members of the general court shall serve for the period of their legislative term during which they were appointed, and may be reappointed by their respective presiding officers so long as they are members of the general court. The commission shall include a former inmate of a county house of correction or the state prison. Should any

member cease to be an officer or employee of the unit or agency he is appointed to represent, his membership on the commission shall terminate immediately and a new member shall be appointed in the same manner as his predecessor to fill the unexpired term. Other vacancies occurring, except those by the expiration of the term, shall also be filled for the balance of the unexpired term. All vacancies shall be filled within 30 days of the vacancy.

III. Of the remaining 21 members first appointed by the governor and council after the effective date of this act, 8 shall serve for a term of 2 years, 7 shall serve for a term of 3 years, and 6 shall serve for a term of 4 years. All appointments shall be in accordance with the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Amend RSA 490-A:4 as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

490-A:4 Judicial Planning Committee.

To carry out the provisions of this chapter and Part II, article 73-A, of the New Hampshire Constitution, the judicial planning committee of the supreme court may, in addition to any powers provided to the committee by the Omnibus Crime Control and Safe Streets Act of 1968 and amendments thereto, establish priorities and annual plans for the improvement of the court; define, develop and coordinate programs and projects for court improvement; develop plans for the allocation and expenditure of private, local, state and federal monies available for the courts; carry out a program of systematic implementation of standards and goals for the improved administration of the court system; direct the preparation of court system budgets; evaluate grant requests deemed in the interest of the judicial branch of government; collect and report statistics and data on the court system; and study the judicial impact of legislation affecting the court system. The committee may employ a director and such staff and consultants as it may determine based upon the availability of federal funds; and shall establish such subcommittees as deemed advisable.

Amend section 7 of the bill by striking out same and inserting in place thereof the following:

7 Severability. The provisions of this act shall be liberally construed to effectuate the purposes thereof. If any provision of this act or the application thereof to any person or circumstances is held invalid, the act shall be effective without the invalid provision or application, and to this end the provisions of this act are severable.

There being no objection, the Clerk dispensed with the reading of the amendment.

Rep. Tucker spoke to his amendment.

Rep. Trachy explained the amendment.

Rep. Wiviott spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

Rep. French requested a quorum count.
The Speaker declared a quorum present.

HOUSE COMMITTEE OF CONFERENCE ON HCR 1

HCR 1, establishing joint rules for the 1979 regular session. Rep. Marshall French for the Committee on Rules.

Conferees for the House: Reps. Marshall French, John Tucker, Elaine Lyons, Mary Chambers, Chris Spirou and Ernest Coutermarsh.

Rep. French moved that the House Committee of Conference Report on Joint Rules as proposed by the Rules Committee and distributed in the seat pockets be adopted, spoke to his motion and yielded to questions.

Rep. Chambers spoke in favor of the report.

Report adopted.

JOINT RULES OF THE 1979 SESSION

1. The Committees on Rules of the Senate and the House shall meet jointly for the purpose of recommending joint rules to the Senate and House and such matters as may be referred to them by either or both bodies. Recommendations shall be approved by majority vote of each committee.

(a) For the purposes of convening the joint meetings of the Rules Committees of the Senate and the House and presiding over such meetings, the Chairman of Senate Rules shall serve as Chairman of the committees meeting jointly in the odd-numbered months, and the Chairman of House Rules in the even-numbered months.

2. When a convention of the two bodies is to be formed, whether by a requirement of the Constitution, or by a vote or resolution of the two bodies, a message shall be sent from the House of Representatives to the Senate, giving notice when the House will meet the Senate in convention. As soon thereafter as the convenience of the Senate will permit, they will attend in the House. The speaker of the House shall be chairman of the convention, and shall state the reasons for forming the convention. When the House and Senate are thus formed in convention, the rules adopted as the rules of the House shall be considered the rules of the convention, so far as they may be deemed applicable, and the convention shall accordingly be governed thereby.

3. Messages shall be sent by such person or persons as each body may deem to be proper. Messages from either body shall be received from the other at all times, except when engaged in putting a question, in calling yeas and nays, or in counting the ballots. When a message shall be received from either body to the other it shall be announced by the presiding officer.

4. While bills are on their passage between the two bodies, they shall be under the signature of the clerk of each body respectively.

5. Any bill concerning state retirement systems shall not be introduced unless there is attached thereto a fiscal note based upon estimates obtained from a qualified and approved actuary as to total cost involved.

6. Every bill repealing or modifying any act or statute shall refer to the same:

(a) if contained in the Revised Statutes Annotated by the section and chapter thereof and if the 1955 adopted Revised Statutes Annotated has been amended by stating "as amended"; (h) if not contained in the Revised Statutes Annotated by the section and chapter and the session of the legislature when the same was passed expressed in words, clearly with full reference to all amendments in sequence so that it shall not be necessary to refer to any other act or statute to ascertain the meaning thereof. The title of every bill shall indicate, in brief and comprehensive form, the subject-matter contained in the bill. It shall be the duty of the presiding officer of each body of the legislature to require all such bills to be made in conformity with this rule, before putting any vote thereon, except to commit or amend.

7. When a bill or resolution which shall have passed in one body is rejected in the other, notice thereof shall be given to the body in which the same has passed.

8. After each body shall have adhered to its disagreement, a bill or resolution shall be considered lost.

9. Each body shall on request transmit to the other all papers, or copies thereof, on which any bill or resolution may be founded.

10. Final action, excluding action on enrolled bills committee reports, shall be taken by each house on all bills and joint resolutions as follows:

(a) In the originating body:

(1) On those referred to the Ways and Means Committee which raise or affect statutes raising revenue, no later than the first Thursday in May (May 3).

(2) On those containing appropriations, including the so-called Budget Bill and Capital Budget Bill, no later than the second Thursday in May (May 10).

(3) On all others, no later than the fourth Thursday in April (April 26).

(b) In the non-originating body:

(1) On those referred to the Ways and Means Committee which raise or affect statutes raising revenue, no later than the fifth Thursday in May (May 31).

(2) On those containing appropriations, including the so-called Budget Bill and Capital Budget Bill, no later than the second Monday in June (June 11).

(3) On all others, no later than the first Thursday in June (June 7).

All bills sent to the second body shall be reported from committee and voted on by the second body on or before the deadlines established in 10-b.

None of the above limitations shall apply to the supplemental budget bill. If any bill or joint resolution is sent to committees of conference, further action may be taken subsequent to the above dates by the House or Senate.

(c) Both bodies shall take final action, including final action on all committee of conference reports, excluding final action on any bill or joint resolution referred for interim study or action on enrolled bills committee reports, on the so-called Budget Bill and Capital Budget

Bill not later than the 3rd Thursday in June (June 21) and on all others no later than the 3rd Wednesday in June (June 20).

(1) Reports of the Committees of Conference on the so-called Budget Bill and Capital Budget Bill shall be filed with the clerks of both bodies no later than 3:00 p.m. on the 3rd Saturday in June (June 16), and on all others no later than 3:00 p.m. on the 3rd Monday in June (June 18).

(2) The reports of the Committees of Conference on the so-called Budget Bill shall contain a balanced budget for the biennium.

(d) The so-called Budget Bill and Capital Budget Bill shall be submitted to the Governor for his signature no later than the 4th Friday in June (June 22), and all other bills no later than the 3rd Thursday in June (June 21); and when each body adjourns it shall adjourn to the joint call of the President of the Senate and the Speaker of the House.

(1) The so-called Budget Bill shall be transmitted to the Governor within one hour of its receipt by the Secretary of State regardless of the actual time of day.

11. No bill which has been indefinitely postponed shall be admitted under color of amendment by a committee of conference or otherwise.

12. No bill, joint resolution, concurrent resolution or concurrent resolution amending the constitution shall be introduced in either body after the second Thursday in April (April 12).

(a) Before any deadline established for passage of bills from the first body, Rule 12 may be suspended by a three-fifths vote of the Rules Committee in either body.

(b) Subsequent to any deadline established for passage of bills from the first body, Rule 12 may be suspended by a three-fifths vote of both Rules Committees, voting separately. Any such legislation approved by the Rules Committees of both bodies shall be exempt from the deadlines established by joint rules except that final action on any such bill, including action on any reports of committees of conference, shall be taken no later than the third Wednesday in June (June 20) and any such bill shall be sent to the Governor for his signature no later than the third Thursday in June (June 21).

13. There shall be a committee in each body for the purpose of enrolling bills. All bills that have passed both bodies shall be delivered to the enrolled bills committee in each body. A member of each committee shall carefully examine each bill, enroll it, and report it, on behalf of the committee, to the respective body. If the examination of a bill shall disclose any clerical error or formal imperfection, it shall be reported back to each body with such identical amendments as are required to correct the same; and any measures so reported shall be subjected to amendment in those particulars and in no other respect. After enrollment in both bodies, all bills shall be signed by the President of the Senate and the Speaker of the House of Representatives.

14. A public hearing on any bill may be held jointly by the Senate and House

committees. The Speaker or President of the body in which the bill originates may request the President or Speaker of the other body to authorize the appropriate committee of that other body to sit at a joint public hearing. Joint hearings in no way preclude the bill being reheard by the committee of either body. Presiding over the hearings shall be the chairman of the committee calling for the joint hearing or his designee without regard as to whether a House or Senate bill is being heard. The Speaker or the President may authorize standing committees of their respective bodies to meet on non-legislative days as needed.

15. Effective date of bills. Except as hereinafter provided, each Senate and House bill shall in terms be made effective not earlier than sixty calendar days after the date of its passage. Any bill requiring another effective date than prescribed herein may be amended on second reading by a majority vote of either the Senate or House and said amendment may provide for a bill to become effective on passage or on a specific date. Provided, however, that the limitation herein provided as to effective dates shall not apply to (1) bills of an emergency nature, (2) tax bills, (3) private acts affecting one particular town, city or political subdivision, (4) bills making appropriations of money for ordinary or capital expenses of state agencies, or (5) bills affecting fees for licenses or certificates.

16. A bill or resolution may be recalled from the Governor at any time before it is signed by him, by a majority of the Senate or House, which ever last had possession.

17. Concurrent Resolutions Proposing Constitutional Amendments. Proposed constitutional amendments shall be submitted as concurrent resolutions entitled: "Concurrent Resolution proposing a Constitutional Amendment Relating to ***, " and with a resolving clause in the following form: "Re it Resolved by the (Senate) (House of Representatives) the (House of Representatives) (Senate) concurring that the Constitution of New Hampshire be amended as follows:" Concurrent resolutions proposing a constitutional amendment shall truly propose to amend or supplement the Constitution and contain only subject matter which genuinely belongs in the fundamental law of the state: it being the intention of this rule to exclude therefrom all subject matter which is legislative in nature and all amendments for the primary purpose of obtaining a popular referendum. Each concurrent resolution shall set forth the text of the new matter to be inserted in the Constitution and also the text of a question summarizing the amendment, to appear on the ballot proposing such constitutional amendment. The General Court shall specify the particular election at which such question is to be submitted to the voters, and shall state whether it is to appear on the regular or a separate ballot. All such concurrent resolutions shall be read a first and second time by title and referred to the appropriate standing committee for public hearing and report. Amendments to such a

resolution shall be in order while the measure is still on second reading. On the question of ordering such a resolution to third reading and on the question of final passage, the President and Speaker shall require a division vote unless a roll call is recorded under the rules and completed. Adoption of either of said questions shall require a vote of three-fifths of the entire membership of each house. In case of disagreement between the two bodies, such concurrent resolutions shall be subject to the usual conference committee procedure. Such concurrent resolution, if adopted by the required constitutional majority of each body, shall be enrolled in the usual form and signed by the Speaker and the President, and shall be submitted to the Secretary of State for appropriate action and for submission to the voters. Such concurrent resolutions shall be made a part of the permanent legislative records.

18. All hearings on a concurrent resolution proposing a constitutional amendment may be held jointly as provided under Joint Rule 14 by the appropriate standing committees of the Senate and House provided that in the event the resolution is amended in the first body and the second body chooses to have a second hearing this too may be joint. The committee vote on the resolution shall be by each committee not by the committees jointly and passage in final form shall be completed by both bodies not later than the 1st Thursday in June (June 7) of the calendar year in which the resolution was introduced. After said date in June no further action may be taken by either body on the resolution provided that if in the opinion of the attorney general, or an advisory opinion from the supreme court states that, the form of the question in the resolution needs to be amended, the two bodies may amend the resolution in such particular only by affirmative vote of no less than three-fifths of the entire membership of each body taken on division or roll call vote. A motion to so amend shall be in order in either body, notwithstanding any other rule to the contrary, at any time prior to the prorogation of the assembly of that General Court.

19. Any bill making appropriation for the administration, operation and maintenance of any department or departments for each or any fiscal year of the biennium (the so-called Budget Bill) or a bill making general appropriation for the cost of land, public improvements and other capital outlays, itemized by specific projects or classes of projects of the same general character (the so-called Capital Budget Bill) shall be introduced into either the Senate or the House no later than the 3rd Thursday in April (April 19).

20. Committees of Conference.

(a) Whenever there be any disagreement between the Senate and the House on the content of any bill or resolution, and whenever both bodies, voting separately, have agreed to establish a committee of conference, the President of the Senate shall appoint three members to the Senate conference committee on the bill and the Speaker of the House shall appoint four members to the House conference committee.

Exceptions: (1) the House committee of conference on the operating budget shall consist of five members; (2) the number of the members of the committees of conference on any bill may increase or decrease if the President and the Speaker both agree. The two committees of conference on a bill shall meet jointly but vote separately while in conference. A unanimous vote by both committees of conference shall be necessary for an agreed report to the Senate and the House by the committees of conference.

(b) The first named person from the body where the bill or resolution in disagreement originated shall have the authority to call the time and place for the first meeting of the committees of conference on said bill.

(c) The first named person on a committee of conference shall be the chairman of that conference. The chairman of the committee of conference of the body where the bill or resolution in disagreement originated shall chair the joint meeting of the committees of conference.

(d) No action may be taken in either body on any committee of conference report until a copy of said report has been delivered to the seats or placed on the desks of all members. A committee of conference may neither change the title of any bill submitted to it nor add amendments which are not germane to the subject matter of the bill as originally submitted to it.

(e) Conference Committees on Budget Bills. The report of each committee of conference on either the general appropriation bill, or the capital improvements bill shall be printed in the journal or a supplement thereto of the appropriate body before action on said report is taken on the floor. Non-germane amendments, sections and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances.

(f) When both committees of conference on a concurrent resolution proposing an amendment to the constitution have agreed, the committee of conference from the body which acceded to a request for committees of conference shall file its report with the clerk of that body who shall print it in full in the journal or supplement of that body. The report shall be made a special order of business at the late session of a subsequent day. After said report has been adopted by the first body, a message shall be transmitted to the second body which shall then act upon the report of its committee of conference.

(g) A sponsor of any bill or joint resolution referred to committees of conference shall, upon his request, be granted a hearing before said committees prior to action thereon.

(h) No member of a committee of conference shall sign any report that contains non-germane amendments or subject matter that has been indefinitely postponed in either body. For the purposes of this rule, a non-germane amendment would be any subject matter not contained in either the House or the Senate version of the bill.

21. No Joint Rule, except rule 17, shall be suspended unless two-thirds of the members present, in each house, voting separately, vote in favor thereof.

22. Members of both houses may sponsor legislation jointly. Proposed legislation will be titled House Bill or Senate Bill according to the first named sponsor.

23 Clarification of Legislative days. Legislative days are figured in each body independently based on the actual days that either body has been in session. Neither body may extend a legislative day for more than twenty-four hours after midnight of the calendar day of the legislative day involved, except for the purposes of enrolling or introduction of bills.

24 Consideration of all legislation introduced on or before July 1 shall be terminated at midnight on July 1, and any bill not passed by both bodies by this date and time shall be indefinitely postponed for the purposes of the 1979-80 regular session of the General Court. If after July 1 the two bodies of the General Court are called into session by joint action of the two presiding officers, any legislation considered shall be limited to matters not indefinitely postponed on or before July 1. Such new legislation may come before the General Court with the approval of three-fifths of the Rules Committees of both bodies, voting separately, or of two-thirds of the members of both bodies, voting separately. Any new legislation so introduced shall be exempt from the joint rules for time limitations for action on legislation in both bodies and in any committee thereof.

RECESS

SUSPENSION OF RULES

Rep. McLane moved that the rules be so far suspended as to permit consideration at the present time of HBs 245, 506, 538, 507, 508, 510 and 817, without the required notice and publication of amendments in the Calendar.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS (cont.)

HB 245, relative to commissions on pari-mutuel wagering pools and taxes thereon. Ought to Pass.

This bill provides for a separate computation for each dog racing program, (estimated loss to State \$966,000), raise in tracks' commission to 1% (gain to tracks \$1 million), and a 6% increase in the take on exotic betting (4% to State = \$3 million), 2% to track = \$1.5 million).

The Committee was convinced that giving the dog racing industry needed relief will insure the State's continued revenue from this source. Rep. Susan McLane for Ways and Means.

Rep. McLane explained the committee report and yielded to questions.

Rep. Ward spoke to the committee report.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YFAS 254 NAYS 30

YFAS 254

BELKNAP: Beard, Birch, Bordeaux, Garv
Dionne, Downs, French, Hildreth, Mansfield,
Matheson, Nighswander and Sanders.

CARROLL: Roderick Allen, Chase, Desiardins,
Dickinson, Heath, Keller, Kenneth MacDonald
and Kenneth Smith.

CHESHIRE: Baybutt, Callahan, Crane, Jesse
Davis, Daniel Eaton, Eisengrein, Johnson,
Kohl, Ladd, Miller, Moore, Nims, O'Connor,
Proctor, Russell, Scranton, Vrakatisis and
Jean White.

COOS: Bouchard, Brungot, Burns, Chappell,
Fortier, Guay, Bradlev Haynes, George
Lemire, Mayhew, Oleson, Richardson, Alcide
Valliere, Willey, Wiswell and York.

GRAFTON: Aldrich, Tra Allen, Buckman,
George Cate, Chambers, Christy, Copenhaver,
Crov, Dearborn, Foster, Michael King,
Logan, Low, Lownes, Mann, McAvoy, McIver,
Rounds, Seely, Snell, Walter, Ward and
Andrew Ware.

HILLSBOROUGH: Ainley, Aubut, Baker, Bosse,
Boyer, Burkush, Compagna, Corev, Joseph
Cote, Coutermarsh, Craig, L. Pennv Dion,
Drewniak, Raymond Dupont, Joseph Eaton,
Peter Flynn, Gabrielle Gagnon, Gelinas,
Granger, Guidi, Hall, Hardy, Head, Heald,
Hendrick, Howard Humphrey, Jamrog, Keefe,
Labombarde, Levesque, Lyons, Madigan,
Marcoux, McLaughlin, Milton Meyers, Morgan,
Morrison, Mulligan, Murray, Nardi, Naro,
Nemzoff-Berman, Odell, Pappas, Aime Paradis,
Peter Parady, Pastor, Peters, Plomaritis,
Podles, Record, Reidy, Roy, Sallada, Silva,
Leonard Smith, Soucy, Stylianos, Francis
Sullivan, Rock Tremblay, Vachon, Van Loan,
Wallace, Wallin, Eliot Ware, Weaver, Welch,
Emma Wheeler, Kenneth Wheeler, Robert
Wheeler and James J. White.

MERRIMACK: Avles, Bibbo, Bodi, Carroll,
John Cate, Milton Cate, Epstein, Holliday,
James Humphrey, Locke, McLane, Mitchell,
O'Neill, Packard, Paire, Plourde, Doris
Riley, William Roberts, Selwav, Gerald
Smith, Stio, Stockman, Stokes, Trachy,
Underwood, Ernest Valliere and Waters.

ROCKINGHAM: Bisbee, Blake, William Boucher,
Butler, Marilyn Campbell, Carpenito,
Collins, Connors, Robert Day, Ellyson,
Felch, Flanagan, Joseph Flynn, Beverly Gage,
Carl Gage, Gibbons, Gould, Greene, Griffin,
Hartford, Hoar, Jackson, Kane, Kashulines,
Keenan, Landry, Laycock, LoFranco, Joseph
MacDonald, McEachern, Norman Myers, Nelson,
Newman, Pantelakos, Parolise, Parr,
Peterson, Pucci, Quimby, Scamman,
Schmidtchen, Schwaner, Skinner, Stickney,
Sytek, Tavitian, Tufts, Helen Wilson and
Wolfsen.

STRAFFORD: Canney, Ronald Chagnon, Demers,
DeNafio, Donnelly, Drew, Gosselin, Hebert,
James Herchek, Lessard, Meader, Nadeau,
Dennis Ramsey, Robinson, Sackett, Donald
Smith, Tripp, Valley and Whitehead.

SULLIVAN: Edmund Belak, Brodeur, Burrows,
Cutting, D'Amante, Domini, Sim Grav, LeBrun,
Lucas, Palmer, Townsend, Tucker and Wiggins.

NAYS 30

BELKNAP: Bowler.

CARROLL: Towle.

CHESHIRE: None.

COOS: None.

GRAFTON: Taffe.

HILLSBOROUGH: Carswell, Donovan, McCarthy,
Paul Riley, Thibeault and Zajdel.

MERRIMACK: Bellerose, Blakeney, Clements,
Daniell and LaBranche.

ROCKINGHAM: Appel, Kozacka, Lovejoy,
Pevear, Reese, Rogers, Splaine, Warburton
and Wojnowski.

STRAFFORD: Farnham, Joos, Morrisette,
Schreiber and Vaughan.

SULLIVAN: David Campbell and Williamson,
and the committee report was adopted.
Referred to Appropriations.

HB 506, relative to running and harness
horse racing. Ought to Pass.

Another bill to give a state revenue
resource needed relief. The loss to the
State is estimated at \$1.9 million, but
without this bill Winsdale track may not
open this year. Rep. Susan McLane for
Ways and Means.

Referred to Appropriations.

HB 538, increasing the rate of business
profits tax and granting various rate
reductions for business organizations
engaging in certain energy and resource
conservation activities. Ought to Pass with
Amendment.

The Committee felt that the overall bill
has definite merit and that HB 538
should be passed on to the Senate
for further consideration. The amended
bill would grant a 10% deduction from
the Business Profits Tax on business
investment in alternate energy property
and equipment. The purpose of this bill
is to encourage New Hampshire business
to employ alternate energy sources by
making solar, wood, hydro or wind more
financially attractive. This is an excellent opportunity for New
Hampshire public servants to make public
policy to encourage long range alternate
energy development and conservation.
Rep. Carl W. Gage, II for Ways and Means.

Amendment

Amend the title of the bill by striking
out same and inserting in place thereof the
following:

AN ACT
providing business profits tax
deductions for certain energy and
resource conservation investments.

Amend the bill by striking out all after
the enacting clause and inserting in place
thereof the following:

1 Incentives; Deduction from Business
Profits Tax. Amend RSA 77-A:4 by inserting
after paragraph VII the following new
paragraph:

VIII. (a) For the purposes of this
paragraph:

(1) "Energy property" shall have the
same meaning as the terms "alternative
energy property," "solar or wind energy
property," and "specially defined energy
property" as defined in section 301 of P.L.
95-618, an act of Congress known as the
"Energy Tax Act of 1978," excepting coal,
nuclear and other non-renewable resources
but specifically including wood-fired
equipment, hydroelectric facilities up to 30
megawatts capacity and passive solar
equipment.

(2) "Conservation property" shall be
defined as material, equipment and devices
designed to reduce the thermal, electrical
or other energy consumption at a business
facility without changing the products or
the production levels of the firm.

(3) "Passive solar equipment" shall be
defined as solar collection and storage
devices which increase the solar
contribution to a building's heating demand
using natural thermal and other properties
of the building and materials. Standard
windows and building construction techniques
are not classified as "passive solar."

(4) "Solid waste equipment" shall be
defined as devices from which useful energy
is utilized through direct combustion of
solid waste and systems for converting
wastes into liquid, gaseous and solid fuels
that are used for energy purposes, and
systems for recovery of commercially or
industrially useful materials from solid
waste.

(b) For a business organization which
documents its investments as required by the
commissioner, a deduction of 10 percent of
its investments in energy property, or
conservation property, or solid waste
equipment; provided that this deduction
shall not exceed 10 percent of the business
organization's total gross business
profits. No single measure shall entitle a
business organization to more than one
deduction under this paragraph. The
commissioner shall adopt rules pursuant to
RSA 541-A relative to definitions and
requirements for documentation of the
particular investments which entitle
business organizations to the incentive
deductions under this paragraph.

2 Effective Date. This act shall take
effect January 1, 1981, provided that its
provisions shall apply to returns filed and
taxes due on account of taxable periods
ending on or after January 1, 1981.

Rep. Carl Gage spoke in favor of the
amendment and yielded to questions.

Rep. Wiggins spoke against the amendment.

Rep. McLane spoke in favor of the
amendment.

Amendment adopted.

Question being on the adoption of the
committee report.

A roll call was requested. Sufficiently
seconded.

(Speaker presiding)
YEAS 203 NAYS 94
YEAS 203

BFLKNAP: Beard, Bordeau, Bowler, Gary
Dionne, French, Hildreth, Mansfield,
Matheson, Nighswander and Sanders.

CARROLL: Chase, Desiardins, Dickinson,
Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Raybutt, Callahan, Jesse Davis,
Daniel Eaton, Johnson, Kohl, Ladd, Lynch,
Miller, Nims, Proctor, William Riley,
Russell and Vrakatisis.

COOS: Elmer Beaulac, Bouchard, Burns,
Chappell, Guay, Bradley Haynes, George
Lemire, Mavhew, Olsson, Alcide Valliere,
Wiswell and York.

CRAFTON: Chambers, Copenhaver, Crorv,
Foster, Michael King, Logan, Low, Lownes,
Mann, McIver, Rounds, Seely, Taffe and Ward.

HILLSBOROUGH: Ainley, Aubut, Baker, Bosse,
Burkush, Carswell, Compagna, Corser, L.
Penny Dion, Raymond Dupont, Joseph Eaton,
Peter Flynn, Gabrielle Gagnon, Celinas,
Hall, Heald, Hendrick, Thomas Hynes, Keefe,
Lahombarde, Lefebvre, Armand Lemire,
Madigan, McCarthy, Morgan, Morrison,
Mulligan, Murray, Nardi, Nemzoff-Berman,
Odell, Pappas, Peter Paradv, Peters,
Plomaritis, Roy, Sallada, Leonard Smith,
Soucv, Steiner, Francis Sullivan, Thihaault,
Rock Tremblay, Vachon, Van Loan, Wallace,
Robert Wheeler and Zajdel.

MERRIMACK: Allgever, Avles, Bellerose,
Blakenev, Bodi, Clements, Epstein, Hollidav,
LaBranche, McLane, Nichols, O'Neill,
Packard, Paire, Selway, Stockman, Stokes,
Trachy, Underwood and Ernest Valliere.

ROCKINGHAM: Appel, Bisbee, Blake, William
Boucher, Butler, Carpenito, Collins,
Connors, Roy Davis, Robert Day, Dunfey,
Flanagan, Joseph Flynn, Beverly Gage, Carl
Gage, Gibbons, Greene, Hartford, Hoar,
Jackson, Kane, Keenan, Roger King, Kozacka,
Landry, Lavcock, Leslie, Joseph MacDonald,
McEachern, Norman Myers, Newman, Pantelakos,
Parolise, Parr, Pevear, Pucci, Quimby,
Reese, Rogers, Scamman, Schwane, Skinner,
Splaine, Stickney, Stimmell, Sytek, Tufts
and Woinowski.

STRAFFORD: Ronald Chagnon, Demers, DeNafio,
Donnelly, Drew, Farnham, Hebert, James
Herchev, Joos, Lessard, Meader, Morrisette,
Nadeau, Pray, Dennis Ramsev, Robinson,
Sackett, Schreiber, Donald Smith, Tripp,
Valley and Vaughan.

SULLIVAN: Edmund Belak, Burrows, David
Campbell, Cutting, Lucas, Palmer, Spaulding,
Townsend and Williamson.

NAYS 94

A roll call was requested. Sufficiently seconded.

BELKNAP: Birch and Downs.

CARROLL: Roderick Allen, Heath and Towle.

CHESHIRE: Crane, Eisengrein, O'Connor, Scranton and Jean White.

COOS: Brungot, Fortier, Horton, Richardson, Theriault and Willey.

GRAFTON: Aldrich, Ira Allen, Buckman, George Cate, Christy, Dearborn, McAvoy, Pepitone, Snell, Walter and Andrew Ware.

HILLSBOROUGH: Brack, Corey, Joseph Cote, Coutermarsh, Craig, Donovan, Drewniak, Granger, Head, Howard Humphrey, Jamrog, Levesque, Lvons, Marcoux, Mazur, McLaughlin, Naro, Aime Paradis, Pastor, Perkins, Podles, Record, Reidy, Paul Riley, Silva, Stylianos, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler and James J. White.

MERRIMACK: Bibbo, John Cate, Milton Cate, Daniell, James Humphrey, Locke, Mitchell, Plourde, Doris Riley, William Roberts, Gerald Smith and Waters.

ROCKINGHAM: Marilyn Campbell, Ellvson, Gould, Griffin, Jones, Kashulines, LoFranco, Lovejoy, Nelson, Peterson, Schmidtchen, Tavitian, Warburton, Helen Wilson and Wolfesen.

STRAFFORD: Canney, Gosselin and Whitehead.

SULLIVAN: Brodeur, Domini, Sim Gray, LeBrun and Wiggins, and the committee report was adopted.

Referred to Appropriations.

Rep. Felch moved that the House vacate the reference of HB 507, coordinating the distribution of revenues collected by the state to be shared with cities and towns, and imposing a tax on electric utility property, and making an appropriation therefor, to the Committee on Ways and Means.

Rep. McLane spoke in favor of the motion. Adopted.

Rep. McLane moved that HB 507 be reported Inexpedient to Legislate.

Adopted.
Resolution adopted.

Rep. Felch moved that the House vacate the reference of HB 508, relative to a state tax on electric utility property and making an appropriation therefor, to the Committee on Ways and Means.

On a voice vote, the Speaker was in doubt and requested a division.

177 members having voted in the affirmative and 130 in the negative, the motion was adopted.

Rep. McLane moved that HB 508 be referred to the Committee on Ways and Means for Interim Study, spoke to her motion and yielded to questions.

Rep. French spoke in favor of the motion and yielded to questions.

Reps. Felch and Quimby spoke in favor of the motion.

Rep. James J. White moved the previous question. Sufficiently seconded. Adopted.

(Speaker presiding)

YFAS 243 NAYS 65

VFAS 243

BELKNAP: Beard, Birch, Bordeau, Bowler, Gary Dionne, Downs, French, Hildreth, Mansfield, Matheson, Morin, Nighswander and Randall.

CARROLL: Roderick Allen, Chase, Desjardins, Dickinson, Heath, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Bayhutt, Callahan, Crane, Jesse Davis, Daniel Eaton, Eisengrein, Kohl, Ladd, Lynch, Matson, Miller, Moore, Nims, Proctor, William Riley and Jean White.

COOS: Elmer Beaulac, Brungot, Burns, Chappell, Guav, Bradley Haynes, Horton, Mayhew, Oleson, Alcide Valliere, Willey, Wiswell and York.

GRAFTON: George Cate, Chambers, Copenhaver, Crory, Dearborn, Foster, Michael King, LaMott, Logan, Lowmes, Mann, Pepitone, Rounds, Snell, Taffe, Walter and Ward.

HILLSBOROUGH: Ainley, Aubut, Rosse, Boyer, Brack, Burkush, Carswell, Compagna, Corey, Corser, Joseph Cote, Coutermarsh, L. Pennv Dion, Donovan, Drewniak, Joseph Eaton, Peter Flynn, Gabrielle Cagnon, Gelinas, Guidi, Hall, Head, Heald, Hendrick, Howard Humphrey, Jamrog, Kaklamanos, Karnis, Keefe, Lefebvre, Armand Lemire, Levesque, Madigan, McCarthy, McLaughlin, Milton Meyers, Morgan, Morrison, Mulligan, Murray, Nardi, Naro, Nemzoff-Berman, Odell, Pappas, Pastor, Perkins, Peters, Plomaris, Podles, Record, Reidy, Paul Riley, Roy, Sallada, Silva, Leonard Smith, Soucy, Steiner, Francis Sullivan, Thiheault, Rock Tremblay, Van Loan, Wallace, Wallin, Kenneth Wheeler, Robert Wheeler and James J. White.

MERRIMACK: Allgeyer, Ayles, Bellerose, Blakenev, Carroll, John Cate, Milton Cate, Daniell, Epstein, Holliday, James Humphrey, Locke, McLane, Nichols, O'Neill, Packard, Paire, Randlett, Doris Riley, Selway, Gerald Smith, Stockman, Stokes, Trachy, Underwood, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Appel, Benton, Bishee, Blake, William Boucher, Butler, Carpenito, Collins, Connors, Robert Day, Dunfee, Ellvson, Felch, Flanagan, Beverly Gage, Carl Gage, Gibbons, Gould, Greene, Hartford, Hoar, Jackson, Jones, Kane, Keenan, Roger King, Kozacka, Landry, Lavcock, Leslie, LoFranco, Lovejoy, Joseph MacDonald, Norman Myers, Nelson, Pantelakos, Parolise, Parr, Pevear, Pucci, Quimby, Reese, Rogers, Schmidtchen, Schwaner, Skinner, Splaine, Stimmel, Sytek, Tavitian, Tufts, Helen Wilson, Wojnowski and Wolfesen.

STRAFFORD: DeNafio, Donnelly, Farnham, Hebert, James Herchek, Meader, Nadeau, Pray, Dennis Ramsev, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Valley and Whitehead.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, D'Amante, Domini, Lucas, Palmer, Spaulding, Townsend and Williamson.

NAYS 65

BELKNAP: Sanders.

CARROLL: Towle.

CHESHIRE: Johnson, O'Connor and Scranton.

COOS: Bouchard, Fortier, George Lemire, Richardson and Theriault.

CRAFTON: Aldrich, Ira Allen, Buckman, Christy, Low, McAvoy, Seely, Thomson and Andrew Ware.

HILLSBOROUGH: Craig, Raymond Dupont, Nancy Gagnon, Granger, Thomas Hynes, Labombarde, Lyons, Marcoux, Mazur, Stylianos, James Sullivan, Vachon, Eliot Ware, Weaver, Welch, Emma Wheeler and Zajdel.

MERRIMACK: Bibbo, Bodi, Clements, LaBranche, Mitchell, William Roberts and Stio.

ROCKINGHAM: Marilyn Campbell, Roy Davis, Joseph Flynn, Griffin, Kashulines, McEachern, Newman, Peterson, Scamman and Warhurton.

STRAFFORD: Canney, Ronald Chagnon, Demers, Drew, Gosselin, Joos, Lessard and Vaughan.

SULLIVAN: Cutting, Sim Gray, LeBrun and Wiggins, and the motion was adopted.

Referred to the Committee on Ways and Means for Interim Study.

Reps. Vrakatis and Tucker notified the Clerk that they wished to be recorded in favor of the motion, Refer for Interim Study.

HB 510, increasing the real estate transfer tax, dedicating part of the increased revenue to assisting local jurisdictions in acquiring open space and recreation areas under the federal land and water conservation fund, and part to agricultural lands preservation. Inexpedient to Legislate. Rep. Susan McLane for the Committee on Ways and Means.

Resolution adopted.

HB 817, relative to reassessments ordered by the board of taxation. Ought to Pass. Rep. Susan McLane for the Committee on Ways and Means.

Rep. Elmer Johnson yielded to questions. Ordered to third reading.

SENATE MESSAGES CONCURRENCE

HB 112, authorizing the fish and game commission to set the deer season.

CONCURRENCE WITH HOUSE AMENDMENT

SB 113, providing for the confidentiality of pistol permits and license issuances for possession of high explosives.

ENROLLED BILLS AMENDMENT

HB 3, relative to the Connecticut River Atlantic Salmon Compact.

Amendment

Amend RSA 213-A:4 as inserted by section 1 of the bill by striking out same.

This amendment eliminates a section of the bill which conflicts with Article XI of the compact, and which was included by a drafting error.

Adopted.

The Subcommittee on Resolutions and Screening having approved its admittance, Rep. Coutermarsh offered the following:

HOUSE RESOLUTION NO. 22

commending Massachusetts General Court for its cooperation in efforts to restore passenger train service.

WHEREAS, the great state of New Hampshire derives substantial income from the year-round influx of friendly visitors, and

WHEREAS, many of the citizens of this state are employed in and must consistently travel to our great sister state, the Commonwealth of Massachusetts, and

WHEREAS, many of New Hampshire's citizens presently travel to Massachusetts to enjoy culinary, cultural and athletic delights, and

WHEREAS, many of our Massachusetts neighbors own vacation properties in our beautiful state and often travel here to find their relaxation, and

WHEREAS, the present escalating cost of gasoline, as well as its shrinking supply, will, considering the aforementioned frequency and duration of interstate travel between New Hampshire and Massachusetts, have grave economic impact on the citizens of both states, now therefore be it

RESOLVED, that the New Hampshire House of Representatives does hereby commend and applaud the General Court of the Commonwealth of Massachusetts for its realistic grasp of this economic situation and for its cooperative effort with the General Court of the State of New Hampshire in publicizing and encouraging the rebirth of safe and efficient passenger rail service between the two great states, and be it further

RESOLVED, that the Clerk of the House convey copies of this resolution to the President of the Senate and the Speaker of the House of the Massachusetts General Court.

Rep. Coutermarsh spoke to the motion. Adopted unanimously.

Rep. McTver moved that HCR 11, to apply to congress of the United States to call a convention to propose an amendment to protect the lives of the unborn, be removed from the table.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 76 NAYS 235
YEAS 76

BELKNAP: Bowler and Morin.

CARROLL: Roderick Allen, Dickinson, Keller, Kenneth Smith and Towle.

CHESHIRE: Johnson, Miller and O'Connor.

COOS: Guay and York.

GRAFTON: Aldrich, Low, McAvoy, McIver, Snell and Thomson.

HILLSBOROUGH: Brack, Burkush, Carswell, Compagna, Joseph Cote, Donovan, Joseph Eaton, Peter Flynn, Nancy Gagnon, Gelinas, Granger, Heald, Lahombarde, Madigan, Morgan, Nardi, Naro, Podles, Proulx, Reidy, Paul Riley, Soucy, Stylianos, Francis Sullivan, Rock Tremblay, Weaver, Emma Wheeler, James J. White and Zajdel.

MERRIMACK: Bellerose, Bibbo, Clements, Locke, Mitchell, Packard, Randlett, Trachy and Ernest Valliere.

ROCKINGHAM: Connors, Ellvson, Carl Gage, Hartford, LoFranco, Parr, Pevear, Schwaner, Splaine, Sytek and Tavitian.

STRAFFORD: Donnelly, Drew, Farnham, Gosselin, Hebert and Dennis Ramsev.

SULLIVAN: Sim Gray, LeBrun and Wiggins.

NAYS 235

BELKNAP: Beard, Birch, Bourdeau, Gary Dionne, Downs, French, Hanson, Wildreth, Mansfield, Matheson, Nighswander and Randall.

CARROLL: Chase, Desjardins, Heath and Kenneth MacDonald.

CHESHIRE: Baybutt, Callahan, Crane, Jesse Davis, Daniel Eaton, Eisengrein, Kohl, Ladd, Lynch, Matson, Moore, Proctor, William Riley, Scranton, Vrakatitsis and Jean White.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Chappell, Fortier, Horton, George Lemire, Mayhew, Oleson, Richardson, Theriault, Alcide Valliere, Willey and Wiswell.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Christy, Copenhaver, Crorv, Dearborn, Foster, Michael King, LaMott, Logan, Lowmes, Mann, Pepitone, Rounds, Seely, Taffe, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Ainley, Aubut, Bosse, Corev, Corser, Coutermarsh, Craig, L. Penny Dion, Drewniak, Raymond Dupont, Gabrielle Gagnon, Guidi, Hall, Head, Hendrick, Howard Humphrey, Thomas Hynes, Jamrog, Kaklamanos, Karnis, Keefe, Lefebvre, Armand Lemire, Levesque, Lyons, Marcoux, Mazur, McCarthy, McLaughlin, Milton Meyers, Morrison, Mulligan, Murray, Nemzoff-Berman, Odell, Pappas, Aime Paradis, Pastor, Perkins, Peters, Plomaritis, David Ramsay, Record, Roy, Sallada, Silva, Steiner, James

Sullivan, Thiheault, Vachon, Van Loan, Wallace, Wallin, Eliot Ware, Welch, Kenneth Wheeler and Robert Wheeler.

MERRIMACK: Allgever, Ayles, Blakeney, Bodi, Carroll, John Cate, Milton Cate, Daniell, Epstein, Hollidav, James Humphrey, Kidder, LaBranche, McLane, Nichols, O'Neill, Paire, Doris Riley, William Roberts, Selway, Gerald Smith, Stio, Stockman, Stokes, Waters and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Bisbee, Blake, William Boucher, Butler, Marilyn Campbell, Carpenito, Collins, Roy Davis, Robert Dav, Dunfev, Felch, Flanagan, Joseph Flynn, Beverly Gage, Gibbons, Gould, Greene, Griffin, Hoar, Jackson, Jones, Kane, Kashulines, Keenan, Roger King, Kozacka, Landry, Leslie, Lovejoy, Joseph MacDonald, McEachern, Norman Myers, Nelson, Newman, Pantelakos, Parolise, Peterson, Pucci, Quimby, Reese, Rogers, Schmidtchen, Skinner, Stickney, Stimmell, Tufts, Warburton, Helen Wilson, Wojnowski and Wolfen.

STRAFFORD: Cannev, Ronald Chagnon, Demers, DeNafio, James Herchev, Joos, Lessard, Meader, Morrisette, Nadeau, Pray, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Vallev, Vaughan and Whitehead.

SULLIVAN: Edmund Belak, Brodeur, David Campbell, Cutting, D'Amante, Domini, Lucas, Palmer, Spaulding, Townsend, Tucker and Williamson, and the motion lost.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only, and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Tuesday, May 8 at 12:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 387, establishing the New Hampshire Crime Commission.

HB 817, relative to reassessments ordered by the board of taxation.

RECESS

Rep. French moved that the House adjourn. Adopted.

HOUSE JOURNAL 33

Tuesday 8 May 79

The House met at 12:30 p.m.

Prayer was offered by the House Chaplain, Rev. William L. Quirk.

Let us pray:

Almighty and eternal God, grant to all Your servants the energy to proclaim the words and deeds to assist the citizens they are called to serve.

Grant to our administration and leadership a ministry of service to all the people for the upholding of the public interest.

Send Your spirit on the people of our state that they may be creative and active in the affairs of government. May we all process this day and the days before us with justice, mercy and love. Amen.

Rep. Waters led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Close, Sal Grasso, John Winn, Hunt, Cotton, Fisher, Emile Boisvert, Guidi, Stio, Preston, Roy Davis and Corey, the day, illness.

Reps. Wilfrid Boisvert, LoFranco, Beard, Hartford, Cahill, Thomas Hynes, Thomson, Thibeault, Kaklamanos, Demers, McIver and Crotty, the day, important business.

Rep. Cecelia Winn, the day, illness in the family.

INTRODUCTION OF GUESTS

Mr. Roland Jutias, his wife, Clair, and their children, guests of Rep. Spirou.

COMMUNICATION

Mr. George Roberts
NH House of Representatives

Dear Mr. Speaker:

Please be informed that I am resigning from the office of Representative to the General Court, Strafford County District 19, as I no longer reside in said district.

Rep. Nicolette Mourgenos

ENROLLED BILLS REPORT

SB 60, increasing the minimum bond requirement of beer manufacturers and wholesalers.

SB 113, providing for the confidentiality of pistol permits and license issuance for possession of high explosives.

Sen. Laurier Lamontagne
For the Committee

ENROLLED BILLS AMENDMENT

HB 112, authorizing the fish and game commission to set the deer season.

Amendment

Amend section 2 of the bill by striking out lines 6, 7 and 8 and inserting in place thereof the following:

limit the same, except as provided in RSA 208:2, RSA 209:12-a and RSA 210:23. All rules promulgated by the executive director shall be promulgated in accordance with RSA 541-A.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Repeal. RSA 206:10 (supp) second version relative to the powers and duties of the executive director of the fish and game department is hereby repealed.

4 Effective date. This act shall take effect upon its passage.

This amendment corrects a reference from director to executive director of the fish and game department. It also corrects a typographical error in a cite to the RSA. It also adds a cross reference to RSA 206:10, II, and repeals an unnecessary duplicate of RSA 206:10 which appears in the RSA which is the same as the current law except for the additional cross reference which was added here.

Adopted.

INTRODUCTION OF SENATE BILLS

SB 90, relative to the illegal sale of certain quantities of narcotic drugs. (Judiciary)

SB 160, relative to voluntary sterilization and a prohibition against non-medical qualifications. (Health and Welfare)

SB 125, legalizing the 1979 town meetings of Derry and Dublin. (Municipal and County Government)

SB 133, relative to obtaining electric and gas utility security deposits from tenants. (Commerce and Consumer Affairs)

SB 188, concerning the listing of names of candidates on certain primary ballots. (Statutory Revision)

SB 204, relative to veterans. (Public Protection and Veterans' Affairs)

SB 222, establishing a study committee on the definition of residency. (Legislative Administration)

SB 234, relative to the effective date of certain state agency rules. (Executive Departments and Administration)

SB 253, relative to the area of operation of the New Hampshire housing commission. (Municipal and County Government)

SB 197, making certain changes in the sunset review and termination schedule. (Legislative Administration)

SB 38, relative to the registration and reporting of lobbyists. (Legislative Administration)

SB 104, establishing a select commission to examine a unified court system and making

an appropriation therefor. (Judiciary)

SB 147, relative to reserving slots in optometric schools for NH residents and making an appropriation therefor. (Education)

SB 165, establishing an interim highway planning committee and making an appropriation therefor. (Legislative Administration)

SB 92, establishing a commission to study the impact of tax-exempt non-federal institutional property on localities. (Legislative Administration)

SB 268, making an appropriation to the New Hampshire retirement system to make up a deficit in the state's contributions to the retirement system for fiscal year 1976. (Appropriations)

SB 256, providing a supplemental appropriation to pay for group health insurance coverage for retired state employees not presently covered. (Appropriations)

SB 205, relative to the regulation of certain charitable solicitations and making an appropriation therefor. (Judiciary)

SB 233, establishing the position of assistant to the commissioner of DRED and eliminating the position of travel research analyst. (Executive Departments and Administration)

SB 142, making the intentional poisoning of animals a misdemeanor. (Judiciary)

SB 148, relative to the benefits of certain employees of supervisory unions. (Labor, Human Resources and Rehabilitation)

SB 54, relative to the department of centralized data processing. (Executive Departments and Administration)

SB 109, relative to the issuance of building permits pending changes in building codes and zoning ordinances. (Municipal and County Government)

SB 249, relative to auditing and program review requirements of the sunset law. (Legislative Administration)

SB 180, relative to the city of Manchester and certain election requirements. (Statutory Revision)

SB 67, relative to fluoridation referendum. (Statutory Revision)

SB 226, relative to the regulation of food service establishments in the town of Salem. (Municipal and County Government)

SB 112, relative to the refinancing of debt by hospitals and institutions of higher education. (Appropriations)

SB 161, authorizing towns and precincts to levy betterment assessments against real property owners in areas originally developed on a private basis. (Municipal and County Government)

SB 184, relative to ski area maintenance vehicles. (Transportation)

SB 200, relative to the maintenance of certain facilities by railroads which operate in the state. (Transportation)

SB 201, relative to snowmobile registrations, eliminating the requirement for reflectorized decals. (Transportation)

SB 206, revising certain laws relating to bicycles. (Transportation)

SB 149, relative to the special repair account in the department of public works and highways. (Public Works)

SB 182, relative to temporary plate refunds. (Transportation)

SB 225, relative to a study of the central New Hampshire turnpike and other highways in the Nashua, Hudson, Litchfield, Merrimack and Bedford area. (Public Works)

SB 240, relative to the criteria for establishing tolls on the New Hampshire Turnpike systems. (Transportation)

SB 243, relative to the message on weight limit posting signs. (Public Works)

SB 118, relative to liquor licenses for on-premises catered functions. (Regulated Revenues)

SB 244, relative to the real estate and personal property tax exemption. (Municipal and County Government)

SB 239, relative to exemptions from the interest and dividends tax. (Ways and Means)

SB 73, relative to fees for small claims. (Judiciary)

SCR 1, establishing the small business development program of the University System of New Hampshire as the coordinating agency of educational activities directed toward assisting and encouraging the expansion of the small business sector of the economy of the state of New Hampshire and for other purposes and making an appropriation therefor. (Education)

SCR 1, establishing a special committee to study revenue reform at all levels of government. (Legislative Administration)

CACR 18, relating to state budget appropriation limits. Providing that the increase in expenditures authorized in any budget be limited to the growth in personal income. (Appropriations)

CACR 12, Relating to initiative petition. Providing the Constitution and statutes may be amended by Initiative Petition. (Constitutional Revision)

Rep. French requested a quorum count.
The Speaker declared a quorum present.

COMMITTEE REPORTS (Regular Calendar)

HB 700, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1980 and June 30, 1981. Ought to Pass with Amendment.

Adopted by unanimous vote of the Committee. Rep. John B. Tucker for Appropriations.

AMENDMENTS TO
HB700

AMEND SECTION 1 OF THE BILL BY MAKING THE
FOLLOWING SPECIFIED CHANGES, AND BY CHANGING
SUBTOTALS AND TOTALS AS HEREINAFTER SPECIFIED
TO REFLECT THE SPECIFIED CHANGES.

01 GENERAL GOVERNMENT
02 LEGISLATIVE BRANCH
01 GENERAL COURT
01 SENATE

STRIKE OUT			
11 PERSONAL SERVICES-MEMBERS			5,500
INSERT IN PLACE THEREOF	4,000		5,500
11 PERSONAL SERVICES-MEMBERS			
STRIKE OUT			24,600
60 BENEFITS	16,846		
INSERT IN PLACE THEREOF	16,206		23,720
60 BENEFITS			
STRIKE OUT			73,092
70 IN-STATE TRAVEL	22,000		
INSERT IN PLACE THEREOF			73,092
70 IN-STATE TRAVEL	22,000		

STRIKE OUT

IN ADDITION TO TRAVEL ALLOWED FOR ATTENDING
SESSIONS OF THE GENERAL COURT, THIS SUM SHALL
INCLUDE PAYMENTS AS AUTHORIZED BY RSA 14-A:3
EXCEPT THAT AFTER A MEMBER FAILS OF
NOMINATION IN A PRIMARY ELECTION OR FAILS OF
ELECTION OR SHALL HAVE NOT FILED FOR RE-
ELECTION TO HIS OFFICE, NO EXPENSE SHALL BE
ALLOWED TO HIM FOR OUT-OF-STATE TRAVEL.

TOTAL	191,539	328,995
ESTIMATED SOURCE OF FUNDS FOR		
SENATE		
STRIKE OUT		
GENERAL FUND	195,779	329,875
INSERT IN PLACE THEREOF	191,539	328,995
GENERAL FUND	191,539	328,995
TOTAL		

01 GENERAL GOVERNMENT
02 LEGISLATIVE BRANCH
01 GENERAL COURT
02 HOUSE

STRIKE OUT		
60 BENEFITS	64,231	92,082

FISCAL YEAR 1980

----- FISCAL YEAR 1981

		FISCAL YEAR 1980 -----		FISCAL YEAR 1981 -----	
AMENDMENTS TO					
HB700					
(CONT.)					
(CONT.)					
(CONT.)					
01 GENERAL GOVERNMENT					
02 LEGISLATIVE BRANCH					
01 GENERAL COURT					
02 HOUSE					
INSERT IN PLACE THEREOF					
60 BENEFITS		63,910		78,882	
STRIKE OUT					
70 IN-STATE TRAVEL	**	158,800		787,977	
INSERT IN PLACE THEREOF					
70 IN-STATE TRAVEL		158,800		787,977	
STRIKE OUT					
97 CDP SERVICES	D	38,842		41,200	
INSERT IN PLACE THEREOF					
97 CDP SERVICES	D	32,842		41,202	
STRIKE OUT					
**					
IN ADDITION TO TRAVEL ALLOWED FOR ATTENDING					
SESSIONS OF THE GENERAL COURT, THIS SUM SHALL					
INCLUDE PAYMENTS AS AUTHORIZED BY RSA 14-A:3					
EXCEPT THAT AFTER A MEMBER FAILS OF					
NOMINATION IN A PRIMARY ELECTION OR FAILS OF					
ELECTION OR SHALL HAVE NOT FILED FOR RE-					
ELECTION TO HIS OFFICE, NO EXPENSE SHALL BE					
ALLOWED TO HIM FOR OUT-OF-STATE TRAVEL.					
TOTAL			831,466	1772,247	
ESTIMATED SOURCE OF FUNDS FOR					
HOUSE					
STRIKE OUT					
GENERAL FUND		837,787		1785,445	
INSERT IN PLACE THEREOF					
GENERAL FUND		831,466		1772,247	
TOTAL			831,466	1772,247	
TOTAL		1663,395		2671,883	
ESTIMATED SOURCE OF FUNDS FOR					
GENERAL COURT					
GENERAL FUNDS		1657,855		2654,108	
OTHER FUNDS		5,540		17,775	
TOTAL		1663,395		2671,883	

AMENDMENTS TO
HB700

01 GENERAL GOVERNMENT
02 LEGISLATIVE BRANCH
01 GENERAL COURT

(CONT.)
(CONT.)
(CONT.)

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
LEGISLATIVE BRANCH
GENERAL FUNDS
OTHER FUNDS
TOTAL

3098,045

4206,748

3072,505
25,540
3098,045

4168,973
37,775
4206,748

STRIKE OUT

(A) HOUSE APPROPRIATION - REQUEST OF SPEAKER OF HOUSE, APPROVAL OF SUBCOMMITTEE OF THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES FOR LEGISLATIVE MANAGEMENT FOR THE HOUSE.
(B) SENATE APPROPRIATION - REQUEST OF PRESIDENT OF SENATE, APPROVAL OF SUBCOMMITTEE OF THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES FOR LEGISLATIVE MANAGEMENT FOR THE SENATE.
(C) JOINT EXPENSES - REQUEST OF SPEAKER OF HOUSE AND PRESIDENT OF SENATE, APPROVAL OF JOINT COMMITTEE ON LEGISLATIVE FACILITIES.
(D) LEGISLATIVE SERVICES - REQUEST OF DIRECTOR APPROVAL OF PRESIDENT OF SENATE, SPEAKER OF HOUSE AND JOINT COMMITTEE ON LEGISLATIVE FACILITIES.
(E) LEGISLATIVE BUDGET ASSISTANT - REQUEST OF LEGISLATIVE BUDGET ASSISTANT, APPROVAL OF FISCAL COMMITTEE.
(F) ALL OTHER LEGISLATIVE ACCOUNTS - REQUEST OF PRESIDENT OF SENATE AND SPEAKER OF HOUSE, APPROVAL OF JOINT COMMITTEE ON LEGISLATIVE FACILITIES.
(G) TRANSFERS MAY BE MADE BETWEEN DIVISIONS IN THE LEGISLATIVE APPROPRIATION ON REQUEST OF PRESIDENT OF SENATE AND SPEAKER OF HOUSE WITH APPROVAL OF JOINT COMMITTEE ON LEGISLATIVE FACILITIES.

AMENDMENTS TO
HB700

01 GENERAL GOVERNMENT
02 LEGISLATIVE BRANCH

(CONT.)
(CONT.)

SHALL BE DISTRIBUTED AMONG THE VARIOUS LEGIS-
INSERT IN PLACE THEREOF

- (A) HOUSE APPROPRIATION - REQUEST OF SPEAKER OF HOUSE, APPROVAL OF SUBCOMMITTEE OF THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES FOR LEGISLATIVE MANAGEMENT FOR THE HOUSE.
- (B) SENATE APPROPRIATION - REQUEST OF PRESIDENT OF SENATE, APPROVAL OF SUBCOMMITTEE OF THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES FOR LEGISLATIVE MANAGEMENT FOR THE SENATE.
- (C) JOINT EXPENSES - REQUEST OF SPEAKER OF HOUSE AND PRESIDENT OF SENATE, APPROVAL OF JOINT COMMITTEE ON LEGISLATIVE FACILITIES.
- (D) LEGISLATIVE SERVICES - REQUEST OF DIRECTOR APPROVAL OF PRESIDENT OF SENATE, SPEAKER OF HOUSE AND JOINT COMMITTEE ON LEGISLATIVE FACILITIES.
- (E) LEGISLATIVE BUDGET ASSISTANT - REQUEST OF LEGISLATIVE BUDGET ASSISTANT, APPROVAL OF FISCAL COMMITTEE.
- (F) ALL OTHER LEGISLATIVE ACCOUNTS - REQUEST OF PRESIDENT OF SENATE AND SPEAKER OF HOUSE, APPROVAL OF JOINT COMMITTEE ON LEGISLATIVE FACILITIES.
- (G) TRANSFERS MAY BE MADE BETWEEN DIVISIONS IN THE LEGISLATIVE APPROPRIATION ON REQUEST OF PRESIDENT OF SENATE AND SPEAKER OF HOUSE WITH APPROVAL OF JOINT COMMITTEE ON LEGISLATIVE FACILITIES.
- (H) LEGISLATIVE UTILITY CONSUMERS' COUNCIL REQUEST OF THE CONSUMER ADVOCATE, APPROVAL OF THE COUNCIL AND THE JOINT COMMITTEE ON LEGISLATIVE FACILITIES.

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE
01 OFFICE OF THE GOVERNOR

STRIKE OUT
20 CURRENT EXPENSES

20,200

20,200

(CONT.)
(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE
01 OFFICE OF THE GOVERNOR

INSERT IN PLACE THEREOF	33,000	33,000
20 CURRENT EXPENSES		
STRIKE OUT	117,927	117,927
59 FULL-TIME TEMPORARY		
INSERT IN PLACE THEREOF	200,000	214,000
59 FULL-TIME TEMPORARY		
STRIKE OUT	25,991	25,991
60 BENEFITS		
INSERT IN PLACE THEREOF	39,123	41,363
60 BENEFITS		
STRIKE OUT	4,471	4,471
70 IN-STATE TRAVEL		
INSERT IN PLACE THEREOF	6,000	6,000
70 IN-STATE TRAVEL		
STRIKE OUT	8,519	8,519
80 OUT-OF-STATE TRAVEL		
INSERT IN PLACE THEREOF	10,000	10,000
80 OUT-OF-STATE TRAVEL		
STRIKE OUT	100,000	100,000
95 OPERATING BUDGET CONTINGENT FD ***		
INSERT IN PLACE THEREOF	150,000	150,000
95 OPERATING BUDGET CONTINGENT FD ***		

812,446

806,206

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF THE GOVERNOR

STRIKE OUT	495,191	485,191
GENERAL FUND		
INSERT IN PLACE THEREOF	656,206	662,446
GENERAL FUND	806,206	812,446
TOTAL		

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE
03 COUNCIL ON ENERGY
01 COUNCIL ON ENERGY SECP , NERC

STRIKE OUT	232,000	232,000
50 OTHER PERSONAL SERVICES		

AMENDMENTS TO
HB700

(CONT.)
(CONT.)
(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE
03 COUNCIL ON ENERGY
01 COUNCIL ON ENERGY SECP , NERC

INSERT IN PLACE THEREOF
59 FULL-TIME TEMPORARY

STRIKE OUT

60 BENEFITS

INSERT IN PLACE THEREOF

60 BENEFITS

TOTAL

ESTIMATED SOURCE OF FUNDS FOR
COUNCIL ON ENERGY SECP , NERC

STRIKE OUT

FEDERAL FUNDS

INSERT IN PLACE THEREOF

FEDERAL FUNDS

TOTAL

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE
03 COUNCIL ON ENERGY
03 CAR POOL PROGRAM

STRIKE OUT

50 OTHER PERSONAL SERVICES

INSERT

59 FULL-TIME TEMPORARY

STRIKE OUT

60 BENEFITS

INSERT IN PLACE THEREOF

60 BENEFITS

TOTAL

ESTIMATED SOURCE OF FUNDS FOR
CAR POOL PROGRAM

STRIKE OUT

FEDERAL FUNDS

INSERT IN PLACE THEREOF

FEDERAL FUNDS

232,000

14,825

37,120

439,000

439,000

416,705

439,000

439,000

416,102

439,000

439,000

15,000

15,000

959

2,400

47,400

47,400

45,959

47,400

45,920

47,400

COOS: Elmer Beaulac, Bouchard, Brungot, Guay, George Lemire, Richardson, Wiswell and York.

GRAFTON: Buckman, Chambers, Christy, Copenhaver, Crory, Low, Thomson and Walter.

HILLSBOROUGH: Archambault, Aubut, Baker, Wilfrid Boisvert, Burkush, Carswell, Corey, Craig, Gabrielle Gagnon, Gelinas, Granger, Guidi, Hardy, Hendrick, Jamrog, Kaklamanos, Labomharde, Lefebvre, Levesque, Madigan, Marcoux, Martineau, Mazur, McDonough, McLaughlin, Mulligan, Nardi, Pappas, Plomaritis, Polak, Proulx, Peter Ramsev, Reidy, Roy, Soucy, Spirov, James Sullivan, Thibeault, Welch, Robert Wheeler, James J. White and Zajdel.

MEFRIMACK: Bellerose, Blakenev, Bodi, Clements, O'Neill, Plourde, Ralph, Selway, Stio, Stokes and Ernest Valliere.

ROCKINGHAM: Bisbee, William Boucher, Carpenito, Connors, Dunfey, Felch, Roger King, Landry, Joseph MacDonald, Pantelakos, Parolise, Peterson, Pucci, Freda Smith and Splaine.

STRAFFORD: Ronald Chagnon, DeNafio, Donnelly, Farnham, James Hercchek, Lessard, Morrisette, Madeau and Vaughan.

SULLIVAN: Brodeur, Burrows, David Campbell, D'Amante, LeBrun, Spanos and Williamson, and the committee report was adopted.
Resolution adopted.

HB 526, to repeal tax credits for banks under the business profits tax. Inexpedient to Legislate.

The Committee felt that removal of the Bank Franchise Tax credit against the Business Profits Tax constitutes double taxation. Several "Opinions of the New Hampshire Justices" have made clear that the Bank Franchise Tax and the Business Profits Tax have the same incidence for taxation, namely the receipt of income, and to avoid taxing the same source twice, declared that the Bank Franchise Tax is properly used as a credit against the Business Profits Tax. Committee vote was 8 to 5. Rep. Charles W. Weaver, Jr. for Ways and Means.

Resolution adopted.

HB 559, relative to the resident tax.

Ought to Pass.

A reasonable bill that extends the resident tax assessment to persons moving into the State during the period from April 2nd to November 30th. Persons moving into the State during the period December 1st to April 1st will be exempt from the tax for that tax year. Committee vote was 13-0. Rep. Bruce C. Rounds for Ways and Means.

Rep. Felch offered an amendment.

Amendment

Amend RSA 72:1 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

72:1 Persons Liable. On April 1 a tax of \$10, to be known as the "resident tax" shall be assessed on every inhabitant of the state from 18 to 65 years of age whether a citizen of the United States or an alien, except paupers, insane persons, the widow of any veteran who served in the armed forces of the United States in any wars, conflicts or armed conflicts in which it has been engaged, the widow of any citizen who served in the armed forces of any country allied with the United States in any of the wars, conflicts or armed conflicts as defined in sections 28 and 32 of this chapter, and others exempt by special provisions of law. The exemption herein provided for a widow shall be available only until she remarries. Any person unless otherwise exempted by this section who becomes an inhabitant of the state after April 1 and prior to December 1 of any year shall be assessed the resident tax.

The Clerk read the amendment.

Rep. Felch explained the amendment and yielded to questions.

Rep. McLane spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 573, relative to credits for legacy and succession taxes paid on prior transfers. Inexpedient to Legislate.

The subcommittee felt that the Estate and Legacy Tax, as proposed by House Bill 573 would pose difficult administrative problems for the Department of Revenue Administration. The biggest problem would be the DRA's ability to trace certain assets. There was also an estimate by the Revenue Department that this bill, if passed, would reduce the revenues presently received by at least 2 million dollars. Vote was 13-0. Rep. J. Thornton Tripp for Ways and Means.

Resolution adopted.

HB 612, to clarify and amend the business profits tax and the law relative to the department of revenue administration. Ought to Pass.

This is an administration bill which clarifies the Business Profits Tax and law relative to the Department of Revenue Administration. Vote was 13-0. Rep. Eliot B. Ware, Jr. for Ways and Means.

Rep. Eliot Ware yielded to questions. Ordered to third reading.

HB 613, requiring suspension of liquor licenses for failure to pay rooms and meals tax. Ought to Pass.

HB 613 strengthens the enforcement section of the Rooms and Meals Tax. This will permit the Department of Revenue Administration to require a liquor license to be suspended for non-payment of the tax which is this State's money paid by the consumer. Vote was 13-0. Rep. Marjorie Y. Peters for Ways and Means. Ordered to third reading.

FISCAL YEAR 1980 ----- FISCAL YEAR 1981

AMENDMENTS TO
HB700

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE
04 COORDINATOR OF FEDERAL FUNDS

(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF
80 OUT-OF-STATE TRAVEL

2,200

TOTAL

75,236

77,079

ESTIMATED SOURCE OF FUNDS FOR
COORDINATOR OF FEDERAL FUNDS
STRIKE OUT

GENERAL FUND

74,536

76,379

INSERT IN PLACE THEREOF
GENERAL FUND

75,236
75,236

77,079
77,079

TOTAL

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE
05 N.H. OFFICE OF EMPLOYMENT AND TRAINING
02 WIN PROGRAM

ESTIMATED SOURCE OF FUNDS FOR
WIN PROGRAM

STRIKE OUT

603,018

644,827

FEDERAL FUNDS
INSERT IN PLACE THEREOF

596,513

637,707

FEDERAL FUNDS

STRIKE OUT

49,804

52,905

01 WIN-MATCHING FUNDS WELFARE
INSERT IN PLACE THEREOF

56,309

60,025

01 WIN-MATCHING FUNDS WELFARE

652,822

697,732

TOTAL

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE
05 N.H. OFFICE OF EMPLOYMENT AND TRAINING
03 C E T A

STRIKE OUT
59 FULL-TIME TEMPORARY

156,573

175,913

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE
05 N.H. OFFICE OF EMPLOYMENT AND TRAINING
03 C E T A

(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF	170,573	175,913	
59 FULL-TIME TEMPORARY			
STRIKE OUT	26,310	29,457	
60 BENEFITS			
INSERT IN PLACE THEREOF	28,550	29,457	
60 BENEFITS			
TOTAL	10569,276	11632,704	
ESTIMATED SOURCE OF FUNDS FOR			
C E T A			
STRIKE OUT			
FEDERAL FUNDS	10553,036	11632,704	
INSERT IN PLACE THEREOF	10569,276	11632,704	
FEDERAL FUNDS	10569,276	11632,704	
TOTAL	11529,920	12645,807	
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
N.H. OFFICE OF EMPLOYMENT AND TRAINING			
FEDERAL FUNDS	11470,611	12582,482	
OTHER FUNDS	59,309	63,325	
TOTAL	11529,920	12645,807	
01 GENERAL GOVERNMENT			
03 EXECUTIVE OFFICE			
06 OFFICE OF STATE PLANNING			
01 STATE PLANNING ADMINISTRATION			
STRIKE OUT			
10 PERMANENT PERSONNEL SERVICES	208,119	209,758	
INSERT IN PLACE THEREOF	224,978	226,617	
10 PERMANENT PERSONNEL SERVICES			
STRIKE OUT	180,547	187,186	
59 FULL-TIME TEMPORARY			
INSERT IN PLACE THEREOF	213,957	221,164	
59 FULL-TIME TEMPORARY			

AMENDMENTS TO
HB700

FISCAL YEAR 1980 ----- FISCAL YEAR 1981

(CONT.)
(CONT.)
(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE
06 OFFICE OF STATE PLANNING
01 STATE PLANNING ADMINISTRATION

STRIKE OUT			
60 BENEFITS	66,178	67,502	
INSERT IN PLACE THEREOF	74,221	75,637	
60 BENEFITS			
STRIKE OUT	19,859	19,859	
91 DIED EXPENDITURES			
TOTAL	609,330	619,790	
ESTIMATED SOURCE OF FUNDS FOR STATE PLANNING ADMINISTRATION			
STRIKE OUT			
01 INTRA AGENCY TRANSFER	528,875	538,477	
INSERT IN PLACE THEREOF	538,063	548,401	
01 INTRA AGENCY TRANSFER			
STRIKE OUT	42,002	42,200	
GENERAL FUND			
INSERT IN PLACE THEREOF	71,267	71,389	
GENERAL FUND	609,330	619,790	
TOTAL			

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE
06 OFFICE OF STATE PLANNING
09 BUREAU OF OUTDOOR RECREATION

INSERT	4,000	4,000
20 CURRENT EXPENSES		
INSERT	200	
70 IN-STATE TRAVEL		
INSERT	600	
80 OUT-OF-STATE TRAVEL		
INSERT	45,181	45,181
90 OTHER EXPENDITURES		
INSERT	4,500	4,500
91 INDIRECT COSTS		
INSERT	58,313	58,971
99 PERSONNEL COSTS		

E

AMENDMENTS TO
HB700

FISCAL YEAR 1980 ----- FISCAL YEAR 1981

01 GENERAL GOVERNMENT (CONT.)
03 EXECUTIVE OFFICE (CONT.)
06 OFFICE OF STATE PLANNING (CONT.)
09 BUREAU OF OUTDOOR RECREATION (CONT.)

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
BUREAU OF OUTDOOR RECREATION

112,794

113,452

INSERT FEDERAL FUNDS

56,726

INSERT GENERAL FUND

56,726

TOTAL

113,452

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF STATE PLANNING
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS

2148,831

2206,971

TOTAL

2148,831

2206,971

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
EXECUTIVE OFFICE
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS

20305,120

21460,144

TOTAL

20305,120

21460,144

01 GENERAL GOVERNMENT
04 ADMINISTRATION AND CONTROL
01 BUDGET AND CONTROL
03 DIV OF BUSINESS SUPERVISION & BUDGET ANALYSIS
03 TELEPHONE

STRIKE OUT
30 EQUIPMENT

110

110

TOTAL

28,200

28,201

		----- FISCAL YEAR 1980 -----	----- FISCAL YEAR 1981 -----
AMENDMENTS TO HB700			
01 GENERAL GOVERNMENT (CONT.)			
04 ADMINISTRATION AND CONTROL (CONT.)			
01 BUDGET AND CONTROL (CONT.)			
03 DIV OF BUSINESS SUPERVISION & BUDGET ANALYSIS (CONT.)			
03 TELEPHONE			
ESTIMATED SOURCE OF FUNDS FOR TELEPHONE			
STRIKE OUT			
GENERAL FUND	28,310		28,311
INSERT IN PLACE THEREOF	28,200		28,201
GENERAL FUND	28,200		28,201
TOTAL			249,417
TOTAL	249,880		249,417
ESTIMATED SOURCE OF FUNDS FOR DIV OF BUSINESS SUPERVISION & BUDGET ANALYSIS			
GENERAL FUNDS	249,880		249,417
TOTAL	249,880		249,417
01 GENERAL GOVERNMENT			
04 ADMINISTRATION AND CONTROL			
01 BUDGET AND CONTROL			
04 DIV OF INFORMATION MANGMT & PLANNING			
STRIKE OUT			
30 EQUIPMENT	905		300
INSERT IN PLACE THEREOF	400		
30 EQUIPMENT			
TOTAL	805,942		808,866
ESTIMATED SOURCE OF FUNDS FOR DIV OF INFORMATION MANGMT & PLANNING			
STRIKE OUT			
GENERAL FUND	806,447		809,166
INSERT IN PLACE THEREOF	805,942		808,866
GENERAL FUND	805,942		808,866
TOTAL	1238,464		1251,973
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR BUDGET AND CONTROL			

AMENDMENTS TO HB700		----- FISCAL YEAR 1980 -----	----- FISCAL YEAR 1981 -----
01 GENERAL GOVERNMENT 04 ADMINISTRATION AND CONTROL 01 BUDGET AND CONTROL	(CONT.) (CONT.) (CONT.)		
GENERAL FUNDS			
TOTAL		1238,464	1251,973
		1238,464	1251,973
TOTAL		5394,628	5362,329
ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION AND CONTROL			
GENERAL FUNDS			
OTHER FUNDS			
TOTAL		3180,156	3149,461
		2214,472	2212,868
		5394,628	5362,329
01 GENERAL GOVERNMENT 05 CENTRALIZED DATA PROCESSING 02 DATA PROCESSING OPERATION			
STRIKE OUT			
94 EQUIPMENT RENTAL-INTEREST A		137,167	116,397
INSERT IN PLACE THEREOF			
94 EQUIPMENT RENTAL-INTEREST A		136,167	116,397
TOTAL		2094,791	2116,412
ESTIMATED SOURCE OF FUNDS FOR DATA PROCESSING OPERATION			
STRIKE OUT			
GENERAL FUND		2095,791	2116,412
INSERT IN PLACE THEREOF			
GENERAL FUND		2094,791	2116,412
TOTAL		2094,791	2116,412
01 GENERAL GOVERNMENT 05 CENTRALIZED DATA PROCESSING 04 SYSTEMS DEVELOPMENT			
INSERT			
96 CONTRACT DEVELOPMENT-RETIREMNT		139,100	244,400

	----- FISCAL YEAR 1980 -----	----- FISCAL YEAR 1981 -----
AMENDMENTS TO HB700		
(CONT.)		
01 GENERAL GOVERNMENT		
05 CENTRALIZED DATA PROCESSING		
04 SYSTEMS DEVELOPMENT		
(CONT.)		
(CONT.)		
(CONT.)		
TOTAL	1831,234	2045,641
ESTIMATED SOURCE OF FUNDS FOR		
SYSTEMS DEVELOPMENT		
STRIKE OUT		
GENERAL FUND	1692,134	1801,241
INSERT IN PLACE THEREOF		
GENERAL FUND	1831,234	2045,641
TOTAL	1831,234	2045,641
01 GENERAL GOVERNMENT		
05 CENTRALIZED DATA PROCESSING		
05 CENTRALIZED DATA PROCESSING - AGENCY REVENUES		
ESTIMATED SOURCE OF FUNDS FOR		
CENTRALIZED DATA PROCESSING - AGENCY REVENUES		
STRIKE OUT		
09 SERVICES DATA PROCESSING	4067,819	4218,720
INSERT IN PLACE THEREOF		
09 SERVICES DATA PROCESSING	4200,919	4463,122
STRIKE OUT		
GENERAL FUND	4067,819-	4218,720-
INSERT IN PLACE THEREOF		
GENERAL FUND	4200,919-	4463,122-
TOTAL	4372,245	4558,318
ESTIMATED SOURCE OF FUNDS FOR		
CENTRALIZED DATA PROCESSING		
GENERAL FUNDS		
OTHER FUNDS		
TOTAL	171,326	95,196
01 GENERAL GOVERNMENT		
06 PERSONNEL DEPARTMENT		
01 ADMINISTRATION & SUPPORT	4200,919	4463,122
	4372,245	4558,318
STRIKE OUT		
30 EQUIPMENT		
	3,395	5

AMENDMENTS TO
HB700

----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

01 GENERAL GOVERNMENT (CONT.)
06 PERSONNEL DEPARTMENT (CONT.)
01 ADMINISTRATION & SUPPORT (CONT.)

INSERT IN PLACE THEREOF			
30 EQUIPMENT	1,310		5
TOTAL			411,411
ESTIMATED SOURCE OF FUNDS FOR			
ADMINISTRATION & SUPPORT		407,709	
STRIKE OUT			
GENERAL FUND		408,794	410,411
INSERT IN PLACE THEREOF			
GENERAL FUND		406,709	410,411
TOTAL		407,709	411,411

01 GENERAL GOVERNMENT
06 PERSONNEL DEPARTMENT
02 CONTRACT ADMINISTRATION

STRIKE OUT

* THIS POSITION SHALL BE FILLED BY THE INDIVI-
DUAL WHO WAS THE STATE NEGOTIATOR AS OF
JANUARY 1, 1979.

INSERT IN PLACE THEREOF

* THIS POSITION SHALL BE FILLED BY THE INDIVI-
DUAL WHO IS THE STATE NEGOTIATOR ON THE
EFFECTIVE DATE OF THIS ACT.

TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
PERSONNEL DEPARTMENT		499,436	454,573
GENERAL FUNDS		498,436	453,573
OTHER FUNDS		1,000	1,000
TOTAL		499,436	454,573

----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

AMENDMENTS TO
HB700

(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
06 PERSONNEL DEPARTMENT

01 GENERAL GOVERNMENT
10 STATE TREASURY
01 ADMINISTRATION

STRIKE OUT			
30 EQUIPMENT			
INSERT IN PLACE THEREOF			
30 EQUIPMENT	6,360		1,960
TOTAL	5,460	483,855	1,210
ESTIMATED SOURCE OF FUNDS FOR			
ADMINISTRATION			
STRIKE OUT			
GENERAL FUND		484,755	485,498
INSERT IN PLACE THEREOF		483,855	484,748
GENERAL FUND		483,855	484,748
TOTAL		474,39,188	50748,805
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
STATE TREASURY		47062,094	50380,972
GENERAL FUNDS		377,094	367,833
OTHER FUNDS		47439,188	50748,805
TOTAL			

01 GENERAL GOVERNMENT
12 N.H. RETIREMENT SYSTEM

STRIKE OUT
90 ACCRUED LIABILITY
INSERT IN PLACE THEREOF
90 ACCRUED LIABILITY

1786,343
1786,343
1613,383
1613,383

AMENDMENTS TO
HB700

----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

01 GENERAL GOVERNMENT (CONT.)
12 N.H. RETIREMENT SYSTEM (CONT.)

STRIKE OUT	3204,933	3409,933
91 NORMAL CONTRIBUTION		
INSERT IN PLACE THEREOF	3204,933	3409,933
91 NORMAL CONTRIBUTION		
STRIKE OUT	316,867	241,029
95 DATA PROCESSING SERVICES D		
INSERT IN PLACE THEREOF	455,967	485,429
95 DATA PROCESSING SERVICES ***		
STRIKE OUT	718,730	718,730
97 COST OF LIVING--RETIRES		
INSERT IN PLACE THEREOF	591,179	591,179
97 COST OF LIVING--RETIRES		

STRIKE OUT

**

THE AMOUNT OF NORMAL LIABILITY NOT FUNDED FOR FY 76 IN THE AMOUNT OF \$74,115 AND FY 77 IN THE AMOUNT OF \$2,144,544 WHICH TOTALS \$2,218,659 SHALL BE FUNDED OVER A TWENTY YEAR PERIOD BEGINNING WITH FY 1980 AT \$110,933 PER YEAR THROUGH FY 2000.

INSERT

**

THE FUNDS IN THIS APPROPRIATION SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE AND SHALL NOT LAPSE UNTIL JUNE 30, 1981 THE AMOUNT OF NORMAL CONTRIBUTION NOT FUNDED FOR FISCAL YEAR 1976 IN THE AMOUNT OF \$74,115 AND FISCAL YEAR 1977 IN THE AMOUNT OF \$2,144,544 WHICH TOTALS \$2,218,659 SHALL BE FUNDED OVER A TWENTY YEAR PERIOD BEGINNING WITH FISCAL YEAR 1980 AT \$110,933 PER YEAR THROUGH FISCAL YEAR 1999.

INSERT

THE FUNDS IN THIS APPROPRIATION SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE AND SHALL NOT LAPSE UNTIL JUNE 30, 1981. ANY EXPENDITURES SHALL HAVE THE PRIOR APPROVAL OF THE DIRECTOR OF CENTRALIZED DATA PROCESSING WITHIN THIS APPROPRIATION \$383,500 SHALL BE USED FOR RETIREMENT SYSTEM DEVELOPMENT COSTS ONLY. SAID DEVELOPMENT WORK SHALL BE SUB-CONTRACTED BY THE DIRECTOR OF CENTRALIZED DATA PROCESSING. SAID CONTRACT SHALL PROVIDE FOR STATE OWNERSHIP OF THE SYSTEM SO DEVELOPED INCLUDING ALL COMPUTER PROGRAMS USED OR DEVELOPED UNDER THE CONTRACT.

AMENDMENTS TO
HB700

(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
12 N.H. RETIREMENT SYSTEM

TOTAL	7112,256	7322,958
ESTIMATED SOURCE OF FUNDS FOR		
N.H. RETIREMENT SYSTEM		
STRIKE OUT	738,971	661,143
09 AGENCY INCOME		
INSERT IN PLACE THEREOF	878,071	905,543
09 AGENCY INCOME		
STRIKE OUT	6361,736	6544,966
GENERAL FUND		
INSERT IN PLACE THEREOF	6234,185	6417,415
GENERAL FUND	7112,256	7322,958
TOTAL		

INSERT

THE PRO RATA SHARE OF THE ADMINISTRATIVE COST FOR THE BIENNIUM ENDING JUNE 30, 1981 SHALL BE ONE QUARTER OF ONE PERCENT OF THE PAYROLL OF THE EMPLOYEES OF THE EMPLOYERS WHO ARE MEMBERS. THIS APPROPRIATION SHALL BE A CHARGE ON THE ADMINISTRATIVE COST ACCOUNT FUNDS: PROVIDED THAT THE APPROPRIATIONS FOR ACCRUED LIABILITY, NORMAL CONTRIBUTION, AND HOSPITALIZATION GROUP LIFE INSURANCE SHALL BE A CHARGE AGAINST THE GENERAL FUNDS OF THE STATE.

TOTAL	93080,115	99114,307
ESTIMATED SOURCE OF FUNDS FOR		
GENERAL GOVERNMENT		
FEDERAL FUNDS	17645,747	18757,682
GENERAL FUNDS	65908,053	70515,749
OTHER FUNDS	9526,315	9840,876
TOTAL	93080,115	99114,307

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION
03 AGRICULTURE
04 BUREAU OF MARKETS

STRIKE OUT
20 CURRENT EXPENSES

62,400 62,400

	----- FISCAL YEAR 1980 -----	----- FISCAL YEAR 1981 -----
AMENDMENTS TO HB700		
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)		
03 AGRICULTURE (CONT.)		
04 BUREAU OF MARKETS (CONT.)		
INSERT IN PLACE THEREOF		
20 CURRENT EXPENSES	70,600	71,600
TOTAL		
ESTIMATED SOURCE OF FUNDS FOR		
BUREAU OF MARKETS	169,451	171,864
STRIKE OUT		
GENERAL FUND	151,111	152,524
INSERT IN PLACE THEREOF	159,311	161,724
GENERAL FUND	169,451	171,864
TOTAL		
TOTAL	1235,009	1236,860
ESTIMATED SOURCE OF FUNDS FOR		
AGRICULTURE		
FEDERAL FUNDS	10,140	10,140
GENERAL FUNDS	1222,069	1223,920
OTHER FUNDS	2,800	2,800
TOTAL	1235,009	1236,860
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION		
04 ATTORNEY GENERAL		
01 DIVISION OF LEGAL COUNSEL		
01 ADMINISTRATIVE		
INSERT		
96 CONTINGENCY FUND	60,000	
INSERT		

* THE ATTORNEY GENERAL MAY TRANSFER FUNDS FROM THIS APPROPRIATION TO ANY DEPARTMENT OR AGENCY OF THE STATE FOR PAYMENTS FOR THE FOLLOWING PURPOSES WHENEVER THE ATTORNEY GENERAL SHALL FIND APPROPRIATIONS OR OTHER FUNDS AVAILABLE TO THE DEPARTMENT OR AGENCY WILL LIKELY BE INSUFF-

AMENDMENTS TO
HB700

----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

D2 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)
04 ATTORNEY GENERAL (CONT.)
01 DIVISION OF LEGAL COUNSEL (CONT.)
01 ADMINISTRATIVE (CONT.)

ICIENT FOR SUCH PURPOSES.

(1) WAGE OR SALARY CLAIMS, AND CONSEQUENTIAL OBLIGATIONS TO PAY BENEFITS EITHER REDUCED TO JUDGMENT OR DEEMED BY THE ATTORNEY GENERAL TO BE REQUIRED BY LAW; (2) ADJUSTMENTS INCREASING WAGES OR SALARIES CONSISTENTLY WITH SUCH CLAIMS; AND (3) ATTORNEY FEES IN AN ACTION AGAINST THE STATE WHEN SUCH FEES ARE ORDERED BY THE COURT. FEDERAL FUNDS SHALL BE USED FOR THE PAYMENT OF ANY SUCH CLAIMS OR ADJUSTMENTS WHEREVER POSSIBLE. TRANSFERS MADE UNDER THIS AUTHORIZATION SHALL BE CHARGED AGAINST THE GENERAL FUND OR THE APPROPRIATE SPECIAL FUND. IF THE AMOUNT HEREBY APPROPRIATED IS OR APPEARS TO BE INSUFFICIENT TO DISCHARGE SUCH CLAIMS OR ADJUSTMENTS, THE ATTORNEY GENERAL SHALL HAVE DISCRETION TO AUTHORIZE TRANSFERS TO PAY ALL SUCH CLAIMS OR ADJUSTMENTS UNTIL THE AMOUNT IS EXHAUSTED OR TO PAY A FRACTION OF ANY OR ALL SUCH CLAIMS OR ADJUSTMENTS. SUCH CLAIMS OR ADJUSTMENTS FOR WHICH DEPARTMENT OR AGENCY APPROPRIATIONS OR OTHER FUNDS ARE INSUFFICIENT SHALL BE PAID ONLY IN THE MANNER HEREBY AUTHORIZED, AND ANY CLAIMS OR ADJUSTMENTS UNPAID DUE TO INSUFFICIENCY OF THE AMOUNT AVAILABLE UNDER THIS SECTION SHALL BE REPORTED BY THE ATTORNEY GENERAL TO THE GENERAL COURT AND SHALL BE PAID ONLY AS THE GENERAL COURT SHALL LATER PROVIDE. THE AMOUNT HEREBY APPROPRIATED MAY BE SUPPLEMENTED BY TRANSFERS FROM THE OPERATING BUDGET CONTINGENT FUND.

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
ADMINISTRATIVE
STRIKE OUT
GENERAL FUND

618,193

578,826

426,883

443,381

AMENDMENTS TO
HB700

----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)
04 ATTORNEY GENERAL (CONT.)
01 DIVISION OF LEGAL COUNSEL (CONT.)
01 ADMINISTRATIVE (CONT.)

INSERT IN PLACE THEREOF GENERAL FUND	486,983	443,381
TOTAL	618,193	578,826
TOTAL	658,086	618,639
ESTIMATED SOURCE OF FUNDS FOR DIVISION OF LEGAL COUNSEL		
GENERAL FUNDS	526,776	483,194
OTHER FUNDS	131,310	135,445
TOTAL	658,086	618,639
TOTAL	1,437,429	1,427,000
ESTIMATED SOURCE OF FUNDS FOR ATTORNEY GENERAL	1163,847	1162,522
GENERAL FUNDS	273,582	284,478
OTHER FUNDS	1,437,429	1,427,000
TOTAL		

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION
06 REGULATORY BOARDS AND COMMISSIONS
25 PUBLIC EMPLOYEES LABOR RELATIONS BOARD

STRIKE OUT	8,250	8,250
50 OTHER PERSONAL SERVICES		
INSERT IN PLACE THEREOF	11,250	11,250
50 OTHER PERSONAL SERVICES		
STRIKE OUT	4,293	4,367
60 BENEFITS		
INSERT IN PLACE THEREOF	4,477	4,559
60 BENEFITS		
STRIKE OUT	2,203	2,203
70 IN-STATE TRAVEL		
INSERT IN PLACE THEREOF	4,000	4,000
70 IN-STATE TRAVEL		
TOTAL	67,109	67,168

AMENDMENTS TO HB700	----- FISCAL YEAR 1980 -----	----- FISCAL YEAR 1981 -----
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)		
06 REGULATORY BOARDS AND COMMISSIONS (CONT.)		
25 PUBLIC EMPLOYEES LABOR RELATIONS BOARD (CONT.)		
ESTIMATED SOURCE OF FUNDS FOR		
PUBLIC EMPLOYEES LABOR RELATIONS BOARD		
STRIKE OUT	62,128	62,179
GENERAL FUND	67,109	67,168
INSERT IN PLACE THEREOF	67,109	67,168
GENERAL FUND		
TOTAL	973,471	987,355
TOTAL		
ESTIMATED SOURCE OF FUNDS FOR		
REGULATORY BOARDS AND COMMISSIONS		
FEDERAL FUNDS	35,000	35,000
GENERAL FUNDS	643,285	652,292
OTHER FUNDS	295,186	300,063
TOTAL	973,471	987,355
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION		
16 DEPARTMENT OF SAFETY		
05 DIVISION OF STATE POLICE		
03 TRAFFIC BUREAU		
STRIKE OUT		
30 EQUIPMENT	449,750	396,900
INSERT IN PLACE THEREOF		
30 EQUIPMENT	260,926	396,900
TOTAL	5236,307	5441,605
ESTIMATED SOURCE OF FUNDS FOR		
TRAFFIC BUREAU		
STRIKE OUT		
02 PUBLIC WORKS & HIGHWAY	4753,664	4767,929
INSERT IN PLACE THEREOF		
02 PUBLIC WORKS & HIGHWAY	4584,122	4765,195
STRIKE OUT		
06 CENTRAL TURNPIKE	320,283	321,238
INSERT IN PLACE THEREOF		
06 CENTRAL TURNPIKE	308,942	321,055

AMENDMENTS TO HB700	----- FISCAL YEAR 1980 -----	----- FISCAL YEAR 1981 -----
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)		
16 DEPARTMENT OF SAFETY (CONT.)		
05 DIVISION OF STATE POLICE (CONT.)		
03 TRAFFIC BUREAU (CONT.)		
STRIKE OUT		
07 BLUE STAR MEMORIAL TURNPIKE	141,142	141,562
INSERT IN PLACE THEREOF		
07 BLUE STAR MEMORIAL TURNPIKE	136,144	141,482
STRIKE OUT		
08 SPAULDING TURNPIKE	81,428	81,671
INSERT IN PLACE THEREOF		
08 SPAULDING TURNPIKE	78,545	81,624
STRIKE OUT		
GENERAL FUND	93,614	94,205
INSERT IN PLACE THEREOF		
GENERAL FUND	93,554	97,249
TOTAL	5236,307	5441,605
TOTAL	6846,061	6961,471
ESTIMATED SOURCE OF FUNDS FOR		
DIVISION OF STATE POLICE		
GENERAL FUNDS	760,826	774,155
OTHER FUNDS	6085,235	6187,316
TOTAL	6846,061	6961,471
TOTAL	15528,138	15694,285
ESTIMATED SOURCE OF FUNDS FOR		
DEPARTMENT OF SAFETY		
GENERAL FUNDS	1531,662	1512,756
OTHER FUNDS	13996,476	14181,529
TOTAL	15528,138	15694,285
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION		
17 STATE PRISON		
02 AGRICULTURE		
STRIKE OUT		
20 CURRENT EXPENSES	51,000	89,250
INSERT IN PLACE THEREOF		
20 CURRENT EXPENSES	51,000	

AMENDMENTS TO
HB700

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)
17 STATE PRISON (CONT.)
02 AGRICULTURE (CONT.)

STRIKE OUT					
30 EQUIPMENT					
INSERT IN PLACE THEREOF	9,800				11,800
30 EQUIPMENT	9,800				
STRIKE OUT					
50 OTHER PERSONNEL SERVICES	1,166				1,210
INSERT IN PLACE THEREOF	1,166				
50 OTHER PERSONNEL SERVICES	5,068				7,150
STRIKE OUT	5,068				7,073
60 BENEFITS	8,500				8,500
INSERT IN PLACE THEREOF	8,500				
STRIKE OUT					
90 INMATE WAGES	8,500				
INSERT IN PLACE THEREOF	8,500				
90 INMATE WAGES	3,450				6,015
STRIKE OUT	3,450				
91 BUTCHERING, CURING, ETC FEES					
INSERT IN PLACE THEREOF					
91 BUTCHERING, CURING, ETC FEES					
TOTAL		110,218			51,285
ESTIMATED SOURCE OF FUNDS FOR					
AGRICULTURE					
STRIKE OUT					
01 TRANSFER OF FARM PRODUCE	55,000				55,000
INSERT IN PLACE THEREOF	55,000				51,285
01 TRANSFER OF FARM PRODUCE	1,965				1,965
STRIKE OUT	1,965				
06 AGENCY INCOME	1,965				
INSERT IN PLACE THEREOF	1,965				
06 AGENCY INCOME	53,253				111,172
STRIKE OUT	53,253				
09 SALE OF FARM PRODUCE	53,253				
INSERT IN PLACE THEREOF	53,253				
09 SALE OF FARM PRODUCE	110,218				51,285
TOTAL					

----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)
17 STATE PRISON (CONT.)
02 AGRICULTURE (CONT.)

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION
17 STATE PRISON
05 PRISON INDUSTRIES

STRIKE OUT			
21 MATERIALS FOR MANUFACTURING	A		375,000
INSERT IN PLACE THEREOF			
21 MATERIALS FOR MANUFACTURING	A	350,000	
STRIKE OUT			
23 UTILITIES AND SUPPLIES		50,000	52,000
INSERT IN PLACE THEREOF			
23 UTILITIES AND SUPPLIES		50,000	
STRIKE OUT			
30 EQUIPMENT		8,390	17,500
INSERT IN PLACE THEREOF			
30 EQUIPMENT		8,390	
STRIKE OUT			
50 OTHER PERSONAL SERVICES		6,000	6,000
INSERT IN PLACE THEREOF			
50 OTHER PERSONAL SERVICES		6,000	
STRIKE OUT			
60 BENEFITS		30,455	31,137
INSERT IN PLACE THEREOF			
60 BENEFITS		30,455	30,754
STRIKE OUT			
80 OUT-OF-STATE TRAVEL		750	900
INSERT IN PLACE THEREOF			
80 OUT-OF-STATE TRAVEL		750	
STRIKE OUT			
90 INMATE WAGES	A	32,000	32,000
INSERT IN PLACE THEREOF			
90 INMATE WAGES	A	32,000	

TOTAL

665,639

222,963

AMENDMENTS TO		FISCAL YEAR 1980		FISCAL YEAR 1981	
HB700		-----		-----	
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
17 STATE PRISON (CONT.)					
05 PRISON INDUSTRIES (CONT.)					
ESTIMATED SOURCE OF FUNDS FOR					
PRISON INDUSTRIES					
STRIKE OUT					
09 PRISON INDUSTRIES INCOME	*	665,639			
INSERT IN PLACE THEREOF		665,639			
09 PRISON INDUSTRIES INCOME	*	665,639			
TOTAL					
TOTAL		5322,605			
ESTIMATED SOURCE OF FUNDS FOR					
STATE PRISON					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL		4427,298			
		895,307			
		5322,605			
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
21 DEPARTMENT OF EMPLOYMENT SECURITY					
01 EMPLOYMENT SECURITY					
INSERT					
10 PERMANENT PERSONAL SERVICES		3733,488		3821,358	
INSERT					
11 SALARY OF THE COMMISSIONER		35,690		35,690	
INSERT					
12 SALARY OF THE GENERAL COUNSEL		29,920		29,920	
INSERT					
13 SALARIES OF FIVE COUNSEL		126,352		131,440	
INSERT					
20 CURRENT EXPENSES		1248,860		1336,800	
INSERT					
30 EQUIPMENT		72,614		29,570	
INSERT					
50 OTHER PERSONAL SERVICES		267,434		248,666	
INSERT					
59 FULL-TIME TEMPORARY		289,901		172,713	

FISCAL YEAR 1980 ----- FISCAL YEAR 1981

AMENDMENTS TO
HB700

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)
 21 DEPARTMENT OF EMPLOYMENT SECURITY (CONT.)
 01 EMPLOYMENT SECURITY (CONT.)

INSERT			
60 BENEFITS	690,849		686,468
INSERT	111,722		127,364
70 IN-STATE TRAVEL			
INSERT	37,722		47,809
80 OUT-OF-STATE TRAVEL			
STRIKE OUT			
90 OTHER EXPENDITURES	6143,736		6143,736
INSERT IN PLACE THEREOF			
90 OTHER EXPENDITURES	18910,000		18498,000
INSERT			
91 INDIRECT COSTS	93,741		93,741
INSERT			
* IF THE FUNDS APPROPRIATED IN THIS CLASS ARE INSUFFICIENT TO PAY UNEMPLOYMENT BENEFITS AUTHORIZED BY LAW, THE DEPARTMENT MAY EXPEND SUCH ADDITIONAL FUNDS FROM THE UNEMPLOYMENT COMPENSATION FUND BENEFIT ACCOUNT AS ARE NECESSARY TO PAY THE UNEMPLOYMENT BENEFITS AUTHORIZED BY LAW			
TOTAL	25648,293		25259,539
ESTIMATED SOURCE OF FUNDS FOR			
EMPLOYMENT SECURITY			
STRIKE OUT			
FEDERAL FUNDS	6143,736		6143,736
INSERT IN PLACE THEREOF	8403,293		8392,539
FEDERAL FUNDS			
INSERT	170,000		182,000
01 CETA FUNDS			
INSERT	275,000		285,000
03 CONTINGENT FUND			
INSERT	16800,000		16400,000
05 OTHER FUNDS	25648,293		25259,539
TOTAL	25648,293		25259,539
TOTAL			

AMENDMENTS TO HB700		----- FISCAL YEAR 1980 -----		----- FISCAL YEAR 1981 -----	
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
21 DEPARTMENT OF EMPLOYMENT SECURITY (CONT.)					
ESTIMATED SOURCE OF FUNDS FOR					
DEPARTMENT OF EMPLOYMENT SECURITY					
FEDERAL FUNDS		8403,293			8392,539
OTHER FUNDS		17245,000			16867,000
TOTAL		25648,293			25259,539
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
FEDERAL FUNDS		8838,875			8832,790
OTHER FUNDS		28707,550			29120,828
TOTAL		37279,140			36451,329
TOTAL		74825,565			74404,947
03 RESOURCE PROTECTION AND DEVELOPMENT					
01 FISH AND GAME DEPARTMENT					
01 ADMINISTRATION AND SUPPORT					
03 BUSINESS MANAGEMENT					
INSERT				10,412	
97 COST OF LIVING RETIREES					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR		379,637			383,508
BUSINESS MANAGEMENT					
STRIKE OUT					
FISH AND GAME FUND		350,752			354,391
INSERT IN PLACE THEREOF		361,164			364,803
FISH AND GAME FUND		379,637			383,508
TOTAL					
03 RESOURCE PROTECTION AND DEVELOPMENT					
01 FISH AND GAME DEPARTMENT					
01 ADMINISTRATION AND SUPPORT					
04 INFORMATION & EDUCATION					
STRIKE OUT					
91 OUT-OF-STATE PROMOTION				25,000	25,000

AMENDMENTS TO HB700		----- FISCAL YEAR 1980 -----	----- FISCAL YEAR 1981 -----
03 RESOURCE PROTECTION AND DEVELOPMENT 01 FISH AND GAME DEPARTMENT 01 ADMINISTRATION AND SUPPORT 04 INFORMATION & EDUCATION		(CONT.) (CONT.) (CONT.) (CONT.)	
INSERT IN PLACE THEREOF	*		
91 OUT-OF-STATE PROMOTION		5,000	5,000
TOTAL		101,199	102,370
ESTIMATED SOURCE OF FUNDS FOR INFORMATION & EDUCATION			
STRIKE OUT		98,199	99,370
FISH AND GAME FUND		78,199	79,370
INSERT IN PLACE THEREOF		101,199	102,370
FISH AND GAME FUND			
TOTAL			
03 RESOURCE PROTECTION AND DEVELOPMENT 01 FISH AND GAME DEPARTMENT 01 ADMINISTRATION AND SUPPORT 05 MAINTENANCE & CONSTRUCTION			
STRIKE OUT	*		
THE FUNDS WITHIN THIS APPROPRIATION FOR FISCAL YEAR 1980 SHALL BE USED TO NEGOTIATE A TRADE FOR A TRACKLESS BACKHOE AND LOADER.			
INSERT IN PLACE THEREOF	*		
THE FUNDS WITHIN THIS APPROPRIATION FOR FISCAL YEAR 1980 SHALL BE USED TO NEGOTIATE A TRADE-IN OF A CRAWLER TRACTOR, TAG ALONG TRAILER AND A FORD TRACTOR WITH BACKHOE MOUNTED FOR A TRACK- LESS BACKHOE AND LOADER.		864,912	871,463
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION AND SUPPORT FEDERAL FUNDS		115,508	127,286

		----- FISCAL YEAR 1980 -----	----- FISCAL YEAR 1981 -----
AMENDMENTS TO HB700			
03 RESOURCE PROTECTION AND DEVELOPMENT	(CONT.)		
01 FISH AND GAME DEPARTMENT	(CONT.)		
03 FISH RESOURCES	(CONT.)		
01 FISH & GAME INLAND FISHERIES	(CONT.)		
STRIKE OUT			
FISH AND GAME FUND		937,615	964,862
INSERT IN PLACE THEREOF		979,998	1029,434
FISH AND GAME FUND		1179,335	1237,887
TOTAL			
TOTAL		1296,362	1355,187
ESTIMATED SOURCE OF FUNDS FOR			
FISH RESOURCES			
FEDERAL FUNDS		273,045	280,304
FISH AND GAME		1009,215	1060,781
OTHER FUNDS		14,102	14,102
TOTAL		1296,362	1355,187
TOTAL		3992,461	4060,985
ESTIMATED SOURCE OF FUNDS FOR			
FISH AND GAME DEPARTMENT			
FEDERAL FUNDS		601,530	619,055
FISH AND GAME		2961,829	3012,828
OTHER FUNDS		429,102	429,102
TOTAL		3992,461	4060,985
03 RESOURCE PROTECTION AND DEVELOPMENT			
03 RESOURCES AND ECONOMIC DEVELOPMENT			
01 ADMINISTRATION AND SUPPORT			
05 BUREAU OF OUTDOOR RECREATION			
STRIKE OUT			
10 PERMANENT PERSONAL SERVICES		16,859	16,859
STRIKE OUT		4,000	4,000
20 CURRENT EXPENSES			
STRIKE OUT		16,291	16,859
59 FULL-TIME TEMPORARY			
STRIKE OUT		5,304	5,394
60 BENEFITS			
STRIKE OUT		200	200
70 IN-STATE TRAVEL			

AMENDMENTS TO HB700	----- FISCAL YEAR 1980 -----	----- FISCAL YEAR 1981 -----
03 RESOURCE PROTECTION AND DEVELOPMENT 03 RESOURCES AND ECONOMIC DEVELOPMENT 01 ADMINISTRATION AND SUPPORT 05 BUREAU OF OUTDOOR RECREATION	(CONT.) (CONT.) (CONT.) (CONT.)	
STRIKE OUT		
80 OUT-OF-STATE TRAVEL	600	
STRIKE OUT		
90 OTHER EXPENDITURES	45,181	
STRIKE OUT		
91 INDIRECT COSTS	4,500	
STRIKE OUT		
92 TRANSFER TO STATE PLANNING	19,859	
ESTIMATED SOURCE OF FUNDS FOR BUREAU OF OUTDOOR RECREATION		
STRIKE OUT		56,726
FEDERAL FUNDS	56,397	
STRIKE OUT		56,726
GENERAL FUND	86,286	93,794
TOTAL		939,265
TOTAL	920,106	
ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION AND SUPPORT		
FEDERAL FUNDS	66,248	68,686
GENERAL FUNDS	811,478	822,489
OTHER FUNDS	42,380	48,090
TOTAL	920,106	939,265
TOTAL	7876,632	7985,622
ESTIMATED SOURCE OF FUNDS FOR RESOURCES AND ECONOMIC DEVELOPMENT		
FEDERAL FUNDS	228,248	230,686
GENERAL FUNDS	7054,685	7001,884
OTHER FUNDS	593,699	753,052
TOTAL	7876,632	7985,622
03 RESOURCE PROTECTION AND DEVELOPMENT 04 WATER RESOURCES BOARD 01 WATER RESOURCES DIVISION 01 WATER RESOURCES BOARD		
STRIKE OUT		
90 WATER RESOURCES	28,360	28,360

03 RESOURCE PROTECTION AND DEVELOPMENT (CONT.)
04 WATER RESOURCES BOARD (CONT.)
01 WATER RESOURCES DIVISION (CONT.)
01 WATER RESOURCES BOARD (CONT.)

INSERT IN PLACE THEREOF			
90 WATER RESOURCES	34,460	34,460	
TOTAL		523,232	
ESTIMATED SOURCE OF FUNDS FOR			
WATER RESOURCES BOARD			
STRIKE OUT			
GENERAL FUND	412,345	409,532	
INSERT IN PLACE THEREOF			
GENERAL FUND	418,445	415,632	
TOTAL	525,665	523,232	
TOTAL	525,665	523,232	
ESTIMATED SOURCE OF FUNDS FOR			
WATER RESOURCES DIVISION			
GENERAL FUNDS	418,445	415,632	
OTHER FUNDS	107,220	107,600	
TOTAL	525,665	523,232	

03 RESOURCE PROTECTION AND DEVELOPMENT
04 WATER RESOURCES BOARD
03 SPECIAL BOARD

STRIKE OUT			
20 CURRENT EXPENSES	9,050	9,050	
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	13,650	13,650	
TOTAL	93,040	93,373	
ESTIMATED SOURCE OF FUNDS FOR			
SPECIAL BOARD			
STRIKE OUT			
GENERAL FUND	88,440	88,773	
INSERT IN PLACE THEREOF			
GENERAL FUND	93,040	93,373	
TOTAL	93,040	93,373	
TOTAL	859,713	891,042	
ESTIMATED SOURCE OF FUNDS FOR			
WATER RESOURCES BOARD			
GENERAL FUNDS	520,235	521,505	
OTHER FUNDS	363,428	369,537	
TOTAL	883,663	891,042	

AMENDMENTS TO
HB700

----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

03 RESOURCE PROTECTION AND DEVELOPMENT
05 WATER POLLUTION COMMISSION
01 OFFICE OF COMMISSIONER

ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF COMMISSIONER

STRIKE OUT		
GENERAL FUND	8,933,116	10,388,727
INSERT IN PLACE THEREOF		
GENERAL FUND	6,724,462	8,273,590

INSERT

FED REVENUE SHARING	2,208,654	2,115,137
TOTAL	9,289,016	10,744,627

ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF COMMISSIONER

FEDERAL FUNDS	355,900	355,900
FED REVENUE SHARING	2,208,654	2,115,137
GENERAL FUNDS	6,724,462	8,273,590
TOTAL	9,289,016	10,744,627

03 RESOURCE PROTECTION AND DEVELOPMENT
05 WATER POLLUTION COMMISSION
05 CONSTRUCTION GRANTS - ADMIN

STRIKE OUT

20 CURRENT EXPENSES	61,600	64,400
INSERT IN PLACE THEREOF		
20 CURRENT EXPENSES	53,200	55,300

STRIKE OUT

30 EQUIPMENT	19,065	1
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INSERT IN PLACE THEREOF

30 EQUIPMENT	5,000	5,000
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INSERT

50 OTHER PERSONAL SERVICES	5,000	5,000
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STRIKE OUT

59 FULL-TIME TEMPORARY	390,926	412,257
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INSERT IN PLACE THEREOF

59 FULL-TIME TEMPORARY	353,962	368,885
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STRIKE OUT

60 BENEFITS	62,548	65,961
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INSERT IN PLACE THEREOF

60 BENEFITS	56,941	59,342
-------------	--------	--------

STRIKE OUT

70 IN-STATE TRAVEL	21,000	21,000
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INSERT IN PLACE THEREOF

70 IN-STATE TRAVEL	13,500	13,500
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FISCAL YEAR 1980

 APPROPRIATIONS TO
 TRAVEL
 HB700

 (CONT.)
 (CONT.)
 (CONT.)

 03 RESOURCE PROTECTION AND DEVELOPMENT
 05 WATER POLLUTION COMMISSION
 05 CONSTRUCTION GRANTS - ADMIN

STRIKE OUT	2,000	2,000
80 OUT-OF-STATE TRAVEL		
INSERT IN PLACE THEREOF	3,000	3,000
80 OUT-OF-STATE TRAVEL		
STRIKE OUT	29,167	30,534
90 INDIRECT COSTS		
INSERT IN PLACE THEREOF	24,778	25,751
90 INDIRECT COSTS		
INSERT	10,000	10,000
92 EDUCATION REIMBURSEMENT		
TOTAL	573,611	594,008

 TOTAL
 ESTIMATED SOURCE OF FUNDS FOR
 CONSTRUCTION GRANTS - ADMIN

STRIKE OUT	634,536	644,383
FEDERAL FUNDS		
INSERT IN PLACE THEREOF	573,611	594,008
FEDERAL FUNDS	573,611	594,008

TOTAL

 WITHIN THE FEDERAL APPROPRIATIONS MADE
 AVAILABLE TO THE WATER SUPPLY AND POLLUTION
 CONTROL COMMISSION, UNDER THE PROVISIONS
 OF SECTION 205 (G) OF THE CLEAN WATER ACT,
 OF 1977, THE COMMISSION IS HEREBY AUTHORIZED
 TO EMPLOY PERSONNEL PREVIOUSLY AUTHORIZED
 BY THE FISCAL COMMITTEE OF THE GENERAL COURT
 AND THE GOVERNOR AND COUNCIL AS SET FORTH
 IN THE REVISED PERSONNEL ROSTER SPECIFIED IN
 THE CONSTRUCTION GRANTS ADMINISTRATION
 AGREEMENT BETWEEN THE U.S. ENVIRONMENTAL
 PROTECTION AGENCY AND THE WATER SUPPLY AND
 POLLUTION CONTROL COMMISSION.

TOTAL	11511,850	13082,440
ESTIMATED SOURCE OF FUNDS FOR		
WATER POLLUTION COMMISSION		
FEDERAL FUNDS	3442,166	3368,047
GENERAL FUNDS	7475,722	5015,277
OTHER FUNDS	589,962	677,116
TOTAL	11511,850	13082,440
TOTAL	24345,698	26096,659

 TOTAL
 ESTIMATED SOURCE OF FUNDS FOR
 RESOURCE PROTECTION AND DEVELOPMENT
 FEDERAL FUNDS
 GENERAL FUNDS
 FISH AND GAME
 OTHER FUNDS
 TOTAL

4271,944	4219,789
15054,692	15553,604
2961,829	3012,828
2057,233	2305,437
24345,698	26096,659

AMENDMENTS TO
HB700

----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

03 RESOURCE PROTECTION AND DEVELOPMENT

(CONT.)

04 TRANSPORTATION

01 AERONAUTICS COMMISSION

01 AERONAUTICS COMM ADM & SUPPORT

STRIKE OUT

IN ADDITION TO ANY OTHER SUMS APPROPRIATED TO THE AERONAUTICS COMMISSION, 25 PERCENT OF THE COMMISSION'S INCOME DERIVED FROM AIRCRAFT OPERATING FEES IN EXCESS OF \$40,000 FOR THE REGISTRATION YEAR ENDING MARCH 31 IS HEREBY APPROPRIATED TO THE COMMISSION FOR THAT YEAR TO BE EXPENDED BY AIRPORT SPONSORS IN ACCORDANCE WITH RSA 422:42 AND SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE.

INSERT IN PLACE THEREOF

IN ADDITION TO ANY OTHER SUMS APPROPRIATED TO THE AERONAUTICS COMMISSION, 25 PERCENT OF THE COMMISSION'S INCOME DERIVED FROM AIRCRAFT OPERATING FEES IN EXCESS OF \$160,000 FOR THE REGISTRATION YEAR ENDING MARCH 31 IS HEREBY APPROPRIATED TO THE COMMISSION FOR THAT YEAR TO BE EXPENDED BY AIRPORT SPONSORS IN ACCORDANCE WITH RSA 422:42 AND SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE.

04 TRANSPORTATION

04 PUBLIC WORKS AND HIGHWAYS

01 ADMINISTRATION

03 SPECIAL RETIREMENT

INSERT

97 COST OF LIVING RETIREES

117.139

117.139

04 TRANSPORTATION
04 PUBLIC WORKS AND HIGHWAYS
01 ADMINISTRATION
03 SPECIAL RETIREMENT

(CONT.)
(CONT.)
(CONT.)
(CONT.)

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
SPECIAL RETIREMENT
STRIKE OUT
HIGHWAY FUND
INSERT IN PLACE THEREOF
HIGHWAY FUND
TOTAL

118,921
118,921
1,782
118,921
118,921
118,921
118,921

04 TRANSPORTATION
04 PUBLIC WORKS AND HIGHWAYS
01 ADMINISTRATION
08 TRANSFERS TO OTHER AGENCIES

STRIKE OUT
90 TRANSFER TO SAFETY
INSERT IN PLACE THEREOF
90 TRANSFER TO SAFETY
TOTAL
ESTIMATED SOURCE OF FUNDS FOR
TRANSFERS TO OTHER AGENCIES

I
I

12258,604
12089,062
12290,079
12287,345
12645,247
12854,208

STRIKE OUT
HIGHWAY FUND
INSERT IN PLACE THEREOF
HIGHWAY FUND
TOTAL

12814,789
12645,247
12645,247
12856,942
12854,208
12854,208

04 TRANSPORTATION
04 PUBLIC WORKS AND HIGHWAYS
01 ADMINISTRATION
09 HIGHWAY SAFETY GRANTS

INSERT
90 HWY ACCIDENT LOCATION & EVAL.

130,000
130,000

AMENDMENTS TO HB700	----- FISCAL YEAR 1980 -----		----- FISCAL YEAR 1981 -----	
04 TRANSPORTATION 04 PUBLIC WORKS AND HIGHWAYS 01 ADMINISTRATION 09 HIGHWAY SAFETY GRANTS	(CONT.) (CONT.) (CONT.) (CONT.)			
INSERT				
91 ROAD DESIGN MANUAL	10,000			
INSERT				
92 SKID TESTING	6,000		6,000	
INSERT				
93 MUNICIPAL TRAFFIC ENGINEER	35,000		35,000	
TOTAL		181,000		171,000
ESTIMATED SOURCE OF FUNDS FOR HIGHWAY SAFETY GRANTS				
INSERT				
01 OTHER AGENCY FUNDS		181,000		171,000
TOTAL		181,000		171,000
TOTAL		152,95,141		15470,603
ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION HIGHWAY FUNDS OTHER FUNDS				
TOTAL		15114,141		15299,603
		181,000		171,000
		15295,141		15470,603
04 TRANSPORTATION 04 PUBLIC WORKS AND HIGHWAYS 02 ENGINEERING 01 ENGINEERING				
STRIKE OUT				
30 EQUIPMENT	19,229		20,805	
INSERT IN PLACE THEREOF				
30 EQUIPMENT	29,229		20,805	
STRIKE OUT				
59 FULL-TIME TEMPORARY	260,819		265,253	
INSERT IN PLACE THEREOF				
59 FULL-TIME TEMPORARY	366,412		376,512	
STRIKE OUT				
60 BENEFITS	1007,157		1013,704	

		----- FISCAL YEAR 1980 -----		----- FISCAL YEAR 1981 -----	
AMENDMENTS TO HB700					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
04 TRANSPORTATION					
04 PUBLIC WORKS AND HIGHWAYS					
02 ENGINEERING					
01 ENGINEERING					
INSERT IN PLACE THEREOF					
60 BENEFITS					
TOTAL		1024,052		1031,505	
ESTIMATED SOURCE OF FUNDS FOR		8434,475		8353,140	
ENGINEERING					
STRIKE OUT					
HIGHWAY FUND		8301,987		8224,080	
INSERT IN PLACE THEREOF		8434,475		8353,140	
HIGHWAY FUND		8434,475		8353,140	
TOTAL					10090,760
TOTAL		10155,132			
ESTIMATED SOURCE OF FUNDS FOR					
ENGINEERING					
HIGHWAY FUNDS		10155,132		10090,760	
TOTAL		10155,132		10090,760	
04 TRANSPORTATION					
04 PUBLIC WORKS AND HIGHWAYS					
04 MAINTENANCE					
04 LAND & BUILDINGS ACCOUNT					
INSERT					
28 DEBT SERVICE 1975, CH 504:1					
TOTAL		10,178		9,940	
ESTIMATED SOURCE OF FUNDS FOR		846,211		861,088	
LAND & BUILDINGS ACCOUNT					
STRIKE OUT					
HIGHWAY FUND		836,033		851,148	
INSERT IN PLACE THEREOF		846,211		861,088	
HIGHWAY FUND		846,211		861,088	
TOTAL					33610,309
TOTAL		31951,308			

AMENDMENTS TO
HB700

04 TRANSPORTATION
04 PUBLIC WORKS AND HIGHWAYS
04 MAINTENANCE

(CONT.)
(CONT.)
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR
MAINTENANCE
HIGHWAY FUNDS
OTHER FUNDS
TOTAL

31740,342
210,966
31951,308

33397,488
212,821
33610,309

04 TRANSPORTATION
04 PUBLIC WORKS AND HIGHWAYS
05 MECHANICAL DIVISION

INSERT
59 FULL-TIME TEMPORARY
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS

49,030
157,150
157,150
158,336
166,181

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
MECHANICAL DIVISION
STRIKE OUT
HIGHWAY FUND
INSERT IN PLACE THEREOF
HIGHWAY FUND
TOTAL

6516,564
4666,564
4666,564
6516,564

6790,517
4733,642
4790,517
6790,517

04 TRANSPORTATION
04 PUBLIC WORKS AND HIGHWAYS
06 COMMUNITY ASSISTANCE STATE FUNDS
07 ST FUNDS STATE SUBSIDY

STRIKE OUT
91 SUPPLEMENTAL ROAD TOLL DISTRIB I
INSERT IN PLACE THEREOF
91 SUPPLEMENTAL ROAD TOLL DISTRIB *

2837,000
2837,000
3013,966
3013,966

----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

AMENDMENTS TO
HB700

04. TRANSPORTATION (CONT.)
04. PUBLIC WORKS AND HIGHWAYS (CONT.)
06. COMMUNITY ASSISTANCE STATE FUNDS (CONT.)
07. ST. FUNDS STATE SUBSIDY (CONT.)

INSERT

* THIS APPROPRIATION IS AN ESTIMATE OF THE AMOUNT TO BE APPORTIONED IN ACCORDANCE WITH RSA 241:15 THAT PROVIDES FOR AN ACTUAL PAYMENT OF 60 PER-CENT OF ONE CENT BASED ON ACTUAL SALES. THE COMMISSIONER IS AUTHORIZED TO PAY THE ACTUAL AMOUNTS AS PROVIDED BY STATUTE. ANY EXCESS APPROPRIATION SHALL LAPSE AND ANY AMOUNT NECESSARY TO MEET THE STATUTORY OBLIGATIONS OF RSA 241:15 IS HEREBY APPROPRIATED AND SHALL BE A CHARGE AGAINST THE HIGHWAY FUND.

TOTAL	7324,500	7501,466	11251,466
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
COMMUNITY ASSISTANCE STATE FUNDS			
HIGHWAY FUNDS	11074,500		11251,466
TOTAL	11074,500		11251,466

04. TRANSPORTATION
04. PUBLIC WORKS AND HIGHWAYS
07. PUB WKS & HWYS DEBT SERVICE

TOTAL	128817,228	130684,688
ESTIMATED SOURCE OF FUNDS FOR		
PUBLIC WORKS AND HIGHWAYS		
FEDERAL FUNDS	39183,318	39183,318
HIGHWAY FUNDS	87391,944	89117,549
OTHER FUNDS	2241,966	2383,821
TOTAL	128817,228	130684,688

INSERT

AMENDMENTS TO
HB700

04 TRANSPORTATION

04 PUBLIC WORKS AND HIGHWAYS

(CONT.)
(CONT.)

THE PROVISIONS OF GENERAL FOOTNOTE "I" SHALL
APPLY TO THE DEPARTMENT OF PUBLIC WORKS AND
HIGHWAYS.

04 TRANSPORTATION

05 CENTRAL N H TURNPIKE

01 CEN N H TPK OPERATION

STRIKE OUT

90 TRANS TO SAFETY TRAFFIC BUREAU

INSERT IN PLACE THEREOF

90 TRANS TO SAFETY TRAFFIC BUREAU

TOTAL

ESTIMATED SOURCE OF FUNDS FOR

CEN N H TPK OPERATION

STRIKE OUT

09 AGENCY INCOME

INSERT IN PLACE THEREOF

09 AGENCY INCOME

TOTAL

04 TRANSPORTATION

05 CENTRAL N H TURNPIKE

02 CEN N H TPK MAINTENANCE

STRIKE OUT

10 PERMANENT PERSONAL SERVICES

FISCAL YEAR 1980 ----- FISCAL YEAR 1981

320,283

308,942

1233,018

321,238

321,055

1263,470

1244,359

1233,018

1233,018

1263,653

1263,470

1263,470

320,265

324,053

	----- FISCAL YEAR 1980 -----	----- FISCAL YEAR 1981 -----
AMENDMENTS TO HB700		
04. TRANSPORTATION		
05. CENTRAL N. H. TURNPIKE		
02. CENTRAL N. H. TPK MAINTENANCE		
(CONT.)		
(CONT.)		
(CONT.)		
INSERT IN PLACE THEREOF		
10. PERMANENT PERSONAL SERVICES		
STRIKE OUT	305,371	308,661
19. OVERTIME	50,885	51,367
INSERT IN PLACE THEREOF	49,939	50,303
19. OVERTIME	387,789	418,800
STRIKE OUT	387,749	418,760
20. CURRENT EXPENSES	60,039	60,750
20. CURRENT EXPENSES	57,505	58,117
STRIKE OUT		
60. BENEFITS		
INSERT IN PLACE THEREOF		
60. BENEFITS	1359,727	1392,170
TOTAL		
ESTIMATED SOURCE OF FUNDS FOR		
CEN N. H. TPK MAINTENANCE		
STRIKE OUT	1378,141	1411,299
09. AGENCY INCOME	1359,727	1392,170
INSERT IN PLACE THEREOF	1359,727	1392,170
09. AGENCY INCOME	4529,170	4616,183
TOTAL		
TOTAL		
ESTIMATED SOURCE OF FUNDS FOR		
CENTRAL N. H. TURNPIKE		
OTHER FUNDS	4529,170	4616,183
TOTAL		
04. TRANSPORTATION		
06. EASTERN N. H. TURNPIKE		
01. OPERATIONS AND MAINTENANCE		
01. BLUE STAR MEMORIAL HIGHWAY		
01. EAST N. H. TPK BLUE STAR OPERATIONS		
STRIKE OUT		
90. TRANS. TO SAFETY TRAFFIC BUREAU	141,142	141,562

			----- FISCAL YEAR 1980 -----	----- FISCAL YEAR 1981 -----
AMENDMENTS TO				
HB700				
04 TRANSPORTATION				
06 EASTERN N H TURNPIKE				
01 OPERATIONS AND MAINTENANCE	(CONT.)			
01 BLUE STAR MEMORIAL HIGHWAY	(CONT.)			
01 EAST N H TPK BLUE STAR OPERATIONS	(CONT.)			
INSERT IN PLACE THEREOF				
90 TRANS TO SAFETY TRAFFIC BUREAU	136,144			141,482
STRIKE OUT				
91 EASTERN NH TURNPIKE ADM SUPP.	122,184			122,364
INSERT IN PLACE THEREOF				
91 EASTERN NH TURNPIKE ADM SUPP.	61,092			61,182
TOTAL		960,344		987,160
ESTIMATED SOURCE OF FUNDS FOR				
EAST N H TPK BLUE STAR OPERATIONS				
STRIKE OUT				
09 AGENCY INCOME		1026,434		1048,422
INSERT IN PLACE THEREOF				
09 AGENCY INCOME		960,344		987,160
TOTAL		960,344		987,160
TOTAL		4802,733		4889,312
ESTIMATED SOURCE OF FUNDS FOR				
BLUE STAR MEMORIAL HIGHWAY				
OTHER FUNDS				
TOTAL		4802,233		4889,312
TOTAL		4802,233		4889,312
04 TRANSPORTATION				
06 EASTERN N H TURNPIKE				
01 OPERATIONS AND MAINTENANCE				
02 SPAULDING TURNPIKE				
01 EAST N H TPK SPAULD TPK OPERATIONS				
STRIKE OUT				
10 PERMANENT PERSONAL SERVICES	242,384			245,080
INSERT IN PLACE THEREOF				
10 PERMANENT PERSONAL SERVICES	250,666			253,694
STRIKE OUT				
19 OVERTIME	12,399			12,399
INSERT IN PLACE THEREOF				
19 OVERTIME	12,924			12,995
STRIKE OUT				
20 CURRENT EXPENSES	61,758			64,188

AMENDMENTS TO		FISCAL YEAR 1980		FISCAL YEAR 1981	
HB700					
(CONT.)					
04 TRANSPORTATION					
06 EASTERN N H TURNPIKE					
01 OPERATIONS AND MAINTENANCE					
02 SPAULDING TURNPIKE					
01 EAST N H TPK SPAULD TPK OPERATIONS					
INSERT IN PLACE THEREOF		61,879		64,246	
20 CURRENT EXPENSES					
STRIKE OUT		51,000		51,000	
50 OTHER PERSONAL SERVICES					
INSERT IN PLACE THEREOF		43,009		43,009	
50 OTHER PERSONAL SERVICES					
STRIKE OUT		43,891		44,456	
60 BENEFITS					
INSERT IN PLACE THEREOF		44,810		45,418	
60 BENEFITS					
STRIKE OUT		81,428		81,671	
90 TRANS TO SAFETY TRAFFIC BUREAU					
INSERT IN PLACE THEREOF		78,545		81,624	
90 TRANS TO SAFETY TRAFFIC BUREAU					
INSERT		61,092		61,182	
91 EASTERN NH TURNPIKE ADM & SUPP					
TOTAL		554,921		564,802	
ESTIMATED SOURCE OF FUNDS FOR					
EAST N H TPK SPAULD TPK OPERATIONS					
STRIKE OUT		494,856		501,428	
09 AGENCY INCOME					
INSERT IN PLACE THEREOF		554,921		564,802	
09 AGENCY INCOME		554,921		564,802	
TOTAL		2717,236		2522,410	
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
SPAULDING TURNPIKE					
OTHER FUNDS					
TOTAL					
TOTAL		7519,469		7411,722	
ESTIMATED SOURCE OF FUNDS FOR					
OPERATIONS AND MAINTENANCE					
OTHER FUNDS					
TOTAL		7519,469		7411,722	

		----- FISCAL YEAR 1980 -----		----- FISCAL YEAR 1981 -----	
AMENDMENTS TO					
HB700					
(CONT.)					
(CONT.)					
(CONT.)					
D4 TRANSPORTATION					
D6 EASTERN N H TURNPIKE					
01 OPERATIONS AND MAINTENANCE					
TOTAL		7519,469		7411,722	
ESTIMATED SOURCE OF FUNDS FOR					
EASTERN N H TURNPIKE					
OTHER FUNDS		7519,469		7411,722	
TOTAL					
TOTAL		142728,479		144585,508	
ESTIMATED SOURCE OF FUNDS FOR					
TRANSPORTATION					
FEDERAL FUNDS		39907,134		39909,549	
GENERAL FUNDS		913,819		921,237	
HIGHWAY FUNDS		87391,944		89117,549	
OTHER FUNDS		14515,582		14637,173	
TOTAL		142728,479		144585,508	
D5 HEALTH AND SOCIAL SERVICES					
01 N.H. STATE COUNCIL ON AGING					
D6 PROGRAM OPERATIONS REGION 3					
STRIKE OUT					
20 CURRENT EXPENSES		7,379		7,514	
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES		8,579		8,839	
STRIKE OUT					
70 IN-STATE TRAVEL		2,473		2,673	
INSERT IN PLACE THEREOF					
70 IN-STATE TRAVEL		2,950		3,750	
TOTAL		31,903		32,963	
ESTIMATED SOURCE OF FUNDS FOR					
PROGRAM OPERATIONS REGION 3					
STRIKE OUT					
FEDERAL FUNDS		22,670		22,921	
INSERT IN PLACE THEREOF					
FEDERAL FUNDS		23,927		24,722	

		----- FISCAL YEAR 1980 -----		----- FISCAL YEAR 1981 -----	
(CONT.)					
(CONT.)					
(CONT.)					
05 HEALTH AND SOCIAL SERVICES					
01 N.H. STATE COUNCIL ON AGING					
06 PROGRAM OPERATIONS REGION 3					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
05 HEALTH AND SOCIAL SERVICES					
01 N.H. STATE COUNCIL ON AGING					
08 PROGRAM OPERATIONS REGION 5					
STRIKE OUT					
20 CURRENT EXPENSES					
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES					
STRIKE OUT					
70 IN-STATE TRAVEL					
INSERT IN PLACE THEREOF					
70 IN-STATE TRAVEL					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
PROGRAM OPERATIONS REGION 5					
STRIKE OUT					
FEDERAL FUNDS					
INSERT IN PLACE THEREOF					
FEDERAL FUNDS					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
N.H. STATE COUNCIL ON AGING					
AMENDMENTS TO					
HB700					
05 HEALTH AND SOCIAL SERVICES					
01 N.H. STATE COUNCIL ON AGING					
06 PROGRAM OPERATIONS REGION 3					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
05 HEALTH AND SOCIAL SERVICES					
01 N.H. STATE COUNCIL ON AGING					
08 PROGRAM OPERATIONS REGION 5					
STRIKE OUT					
20 CURRENT EXPENSES					
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES					
STRIKE OUT					
70 IN-STATE TRAVEL					
INSERT IN PLACE THEREOF					
70 IN-STATE TRAVEL					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
PROGRAM OPERATIONS REGION 5					
STRIKE OUT					
FEDERAL FUNDS					
INSERT IN PLACE THEREOF					
FEDERAL FUNDS					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
N.H. STATE COUNCIL ON AGING					

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----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

(CONT.)
(CONT.)

05 HEALTH AND SOCIAL SERVICES
01 N.H. STATE COUNCIL ON AGING

FEDERAL FUNDS
GENERAL FUNDS
TOTAL

4200,229
215,276
4415,505

5532,344
511,766
6044,110

05 HEALTH AND SOCIAL SERVICES
02 CANCER COMMISSION

STRIKE OUT
20 CURRENT EXPENSES
INSERT IN PLACE THEREOF
20 CURRENT EXPENSES

64,654
90,654
148,574

64,519
90,519
149,004

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
CANCER COMMISSION

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

122,574
148,574
148,574

123,004
149,004
149,004

05 HEALTH AND SOCIAL SERVICES
03 DEPARTMENT OF HEALTH AND WELFARE
03 DIVISION OF PUBLIC HEALTH SERVICES
02 HEALTH PROTECTION
05 NURSING HOME EXAM BOARD

STRIKE OUT
90 OTHER EXPENDITURES
INSERT IN PLACE THEREOF
90 OTHER EXPENDITURES

2,000
4,000

2,000
4,000

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
NURSING HOME EXAM BOARD

4,000

4,000

(CONT.)
(CONT.)
(CONT.)
(CONT.)
(CONT.)

05 HEALTH AND SOCIAL SERVICES
03 DEPARTMENT OF HEALTH AND WELFARE
03 DIVISION OF PUBLIC HEALTH SERVICES
02 HEALTH PROTECTION
05 NURSING HOME EXAM BOARD

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND

TOTAL

2,000

4,000

4,000

1692,075

TOTAL
ESTIMATED SOURCE OF FUNDS FOR

HEALTH PROTECTION
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS

TOTAL

598,222

855,427

238,426

1692,075

10080,702

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DIVISION OF PUBLIC HEALTH SERVICES

FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS

TOTAL

9370,427

4653,176

4451,088

266,163

9370,427

5230,012

4575,333

275,357

10080,702

05 HEALTH AND SOCIAL SERVICES
03 DEPARTMENT OF HEALTH AND WELFARE
04 GLENCLIFF HOME FOR THE ELDERLY
01 ADMINISTRATION

STRIKE OUT
20 CURRENT EXPENSES
INSERT IN PLACE THEREOF
20 CURRENT EXPENSES

8,500

9,000

11,000

95,164

97,600

TOTAL
ESTIMATED SOURCE OF FUNDS FOR

ADMINISTRATION
STRIKE OUT
GENERAL FUND

93,164

95,600

AMENDMENTS TO
HB700

05 HEALTH AND SOCIAL SERVICES
03 DEPARTMENT OF HEALTH AND WELFARE
04 GLENCLIFF HOME FOR THE ELDERLY
01 ADMINISTRATION

(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

95,164
95,164

97,600
97,600

05 HEALTH AND SOCIAL SERVICES
03 DEPARTMENT OF HEALTH AND WELFARE
04 GLENCLIFF HOME FOR THE ELDERLY
02 PROFESSIONAL CARE

STRIKE OUT
50 OTHER PERSONAL SERVICES
INSERT IN PLACE THEREOF
50 OTHER PERSONAL SERVICES
STRIKE OUT
50 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS
STRIKE OUT
91 CONSULTING SVCS
INSERT IN PLACE THEREOF
91 CONSULTING SVCS

500
2,500
84,964
85,086
18,200
33,200

500
2,500
86,193
86,321
18,200
33,200

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
PROFESSIONAL CARE

684,879

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

660,218
677,340
677,340

667,751
684,879
684,879

05 HEALTH AND SOCIAL SERVICES
03 DEPARTMENT OF HEALTH AND WELFARE
04 GLENCLIFF HOME FOR THE ELDERLY
03 CUSTODIAL

INSERT
50 OTHER PERSONAL SERVICES

500

500

----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

AMENDMENTS TO
HB700

05 HEALTH AND SOCIAL SERVICES
03 DEPARTMENT OF HEALTH AND WELFARE
04 GLENCLIFF HOME FOR THE ELDERLY
03 CUSTODIAL

(CONT.)
(CONT.)
(CONT.)
(CONT.)

STRIKE OUT				
60 BENEFITS	30,898		31,320	
INSERT IN PLACE THEREOF				
60 BENEFITS	30,929		31,352	
TOTAL		309,181		310,099
ESTIMATED SOURCE OF FUNDS FOR				
CUSTODIAL				
STRIKE OUT				
GENERAL FUND		304,050		304,967
INSERT IN PLACE THEREOF				
GENERAL FUND		304,581		305,499
TOTAL		309,181		310,099
05 HEALTH AND SOCIAL SERVICES				
03 DEPARTMENT OF HEALTH AND WELFARE				
04 GLENCLIFF HOME FOR THE ELDERLY				
04 MAINTENANCE				
STRIKE OUT				
20 CURRENT EXPENSES	102,400		103,000	
INSERT IN PLACE THEREOF				
20 CURRENT EXPENSES	133,400		134,000	
INSERT				
50 OTHER PERSONAL SERVICES	2,500		2,500	
STRIKE OUT				
60 BENEFITS	20,498		20,631	
INSERT IN PLACE THEREOF				
60 BENEFITS	20,651		20,791	
TOTAL		402,162		286,632
ESTIMATED SOURCE OF FUNDS FOR				
MAINTENANCE				
STRIKE OUT				
GENERAL FUND		368,509		252,972
INSERT IN PLACE THEREOF				
GENERAL FUND		402,162		286,632

----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

AMENDMENTS TO HB700	FISCAL YEAR 1980	FISCAL YEAR 1981
05 HEALTH AND SOCIAL SERVICES 03 DEPARTMENT OF HEALTH AND WELFARE 04 GLENCLIFF HOME FOR THE ELDERLY 04 MAINTENANCE	(CONT.) (CONT.) (CONT.) (CONT.)	
TOTAL	402,162	286,632
TOTAL ESTIMATED SOURCE OF FUNDS FOR GLENCLIFF HOME FOR THE ELDERLY GENERAL FUNDS OTHER FUNDS TOTAL	1483,847 1479,247 4,600 1483,847	1379,210 1374,610 4,600 1379,210
05 HEALTH AND SOCIAL SERVICES 03 DEPARTMENT OF HEALTH AND WELFARE 05 DIVISION OF WELFARE 05 DIV WELFARE WIN		
STRIKE OUT 92 MANPOWER MATCH FUNDS WIN INSERT IN PLACE THEREOF 92 MANPOWER MATCH FUNDS WIN	49,804 56,309	52,905 60,025
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIV WELFARE WIN STRIKE OUT GENERAL FUND INSERT IN PLACE THEREOF GENERAL FUND TOTAL	746,425 121,516 128,021 746,425	767,190 126,591 133,711 767,190
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF WELFARE FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS TOTAL	112759,195 67682,787 34727,440 10348,968 112759,195	124855,846 74418,652 38769,653 11667,541 124855,846
05 HEALTH AND SOCIAL SERVICES 03 DEPARTMENT OF HEALTH AND WELFARE 07 LACONIA STATE SCHOOL 02 CUSTODIAL CARE & MAINT		
STRIKE OUT 20 CURRENT EXPENSES	931,760	932,940

		----- FISCAL YEAR 1980 -----	----- FISCAL YEAR 1981 -----
AMENDMENTS TO			
HR700			
05 HEALTH AND SOCIAL SERVICES	(CONT.)		
03 DEPARTMENT OF HEALTH AND WELFARE	(CONT.)		
07 LACONIA STATE SCHOOL	(CONT.)		
02 CUSTODIAL CARE & MAINT	(CONT.)		
INSERT IN PLACE THEREOF		1022,760	1023,940
20 CURRENT EXPENSES			
TOTAL		2610,243	2557,412
ESTIMATED SOURCE OF FUNDS FOR			
CUSTODIAL CARE & MAINT			
STRIKE OUT			
GENERAL FUND		2455,243	2402,412
INSERT IN PLACE THEREOF			
GENERAL FUND		2546,243	2493,412
TOTAL		2610,243	2557,412
05 HEALTH AND SOCIAL SERVICES			
03 DEPARTMENT OF HEALTH AND WELFARE			
07 LACONIA STATE SCHOOL			
05 EXPANSION OF PATIENT SERVICES			
STRIKE OUT			
60 BENEFITS			
INSERT IN PLACE THEREOF		121,087	141,991
60 BENEFITS		96,564	141,991
TOTAL		950,740	1223,683
ESTIMATED SOURCE OF FUNDS FOR			
EXPANSION OF PATIENT SERVICES			
STRIKE OUT			
GENERAL FUND		975,263	1223,683
INSERT IN PLACE THEREOF			
GENERAL FUND		950,740	1223,683
TOTAL		950,740	1223,683
TOTAL		11328,250	11581,663
ESTIMATED SOURCE OF FUNDS FOR			
LACONIA STATE SCHOOL			
GENERAL FUNDS		11264,250	11517,663
OTHER FUNDS		64,000	64,000

AMENDMENTS TO		FISCAL YEAR 1980		FISCAL YEAR 1981	
HB700					
(CONT.)					
(CONT.)					
(CONT.)					
05 HEALTH AND SOCIAL SERVICES					
03 DEPARTMENT OF HEALTH AND WELFARE					
07 LACONIA STATE SCHOOL					
TOTAL		11328,250			11581,663
05 HEALTH AND SOCIAL SERVICES					
03 DEPARTMENT OF HEALTH AND WELFARE					
08 NEW HAMPSHIRE HOSPITAL					
01 CUST CARE & MAINT					
01 ADMINISTRATION					
STRIKE OUT					
20 CURRENT EXPENSES					
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES					
TOTAL		234,088		201,083	
ESTIMATED SOURCE OF FUNDS FOR		234,088		237,588	
ADMINISTRATION					998,524
STRIKE OUT					
GENERAL FUND		940,700		912,019	
INSERT IN PLACE THEREOF		940,700		948,524	
GENERAL FUND		990,700		998,524	
TOTAL					
05 HEALTH AND SOCIAL SERVICES					
03 DEPARTMENT OF HEALTH AND WELFARE					
08 NEW HAMPSHIRE HOSPITAL					
01 CUST CARE & MAINT					
03 GROUNDS					
INSERT					
30 EQUIPMENT					
TOTAL		37,144			
ESTIMATED SOURCE OF FUNDS FOR		283,447		253,209	
GROUNDS					
STRIKE OUT					
GENERAL FUND		246,303		253,209	
INSERT IN PLACE THEREOF		283,447		253,209	
GENERAL FUND					

AMENDMENTS TO HB700		----- FISCAL YEAR 1980 -----	FISCAL YEAR 1981 -----
05 HEALTH AND SOCIAL SERVICES 03 DEPARTMENT OF HEALTH AND WELFARE 08 NEW HAMPSHIRE HOSPITAL 01 CUST CARE & MAINT 03 GROUNDS TOTAL	(CONT.) (CONT.) (CONT.) (CONT.)	283,447	253,209
05 HEALTH AND SOCIAL SERVICES 03 DEPARTMENT OF HEALTH AND WELFARE 08 NEW HAMPSHIRE HOSPITAL 01 CUST CARE & MAINT 05 LAUNDRY			
STRIKE OUT			403,684
10 PERMANENT PERSONAL SERVICES		397,512	
INSERT IN PLACE THEREOF		370,910	376,100
10 PERMANENT PERSONAL SERVICES			
STRIKE OUT		109,800	109,800
20 CURRENT EXPENSES			
INSERT IN PLACE THEREOF		147,800	109,800
20 CURRENT EXPENSES			
STRIKE OUT		63,954	64,956
60 BENEFITS			
INSERT IN PLACE THEREOF		59,698	60,543
60 BENEFITS			
TOTAL		591,303	555,838
ESTIMATED SOURCE OF FUNDS FOR LAUNDRY			
STRIKE OUT		584,161	587,835
GENERAL FUND			
INSERT IN PLACE THEREOF		591,303	555,838
GENERAL FUND		591,303	555,838
TOTAL			
05 HEALTH AND SOCIAL SERVICES 03 DEPARTMENT OF HEALTH AND WELFARE 08 NEW HAMPSHIRE HOSPITAL 01 CUST CARE & MAINT 09 STORES			
STRIKE OUT			109,200
20 CURRENT EXPENSES		120,000	

AMENDMENTS TO HB700	----- FISCAL YEAR 1980 -----	----- FISCAL YEAR 1981 -----
05 HEALTH AND SOCIAL SERVICES 03 DEPARTMENT OF HEALTH AND WELFARE 08 NEW HAMPSHIRE HOSPITAL 01 CUST CARE & MAINT 09 STORES (CONT.) (CONT.) (CONT.) (CONT.)	120,000	120,000
INSERT IN PLACE THEREOF 20 CURRENT EXPENSES		
TOTAL	120,000	120,000
ESTIMATED SOURCE OF FUNDS FOR STORES		
STRIKE OUT		
GENERAL FUND	120,000	109,200
INSERT IN PLACE THEREOF		
GENERAL FUND	120,000	120,000
TOTAL		
TOTAL	7967,846	7776,617
ESTIMATED SOURCE OF FUNDS FOR CUST CARE & MAINT		
GENERAL FUNDS	7917,846	7726,617
OTHER FUNDS	50,000	50,000
TOTAL	7967,846	7776,617
TOTAL	22016,837	21699,985
ESTIMATED SOURCE OF FUNDS FOR NEW HAMPSHIRE HOSPITAL		
GENERAL FUNDS	21938,837	21621,985
OTHER FUNDS	78,000	78,000
TOTAL	22016,837	21699,985
TOTAL	165212,021	179570,516
ESTIMATED SOURCE OF FUNDS FOR DEPARTMENT OF HEALTH AND WELFARE		
FEDERAL FUNDS	72770,681	80087,318
GENERAL FUNDS	81679,609	87393,700
OTHER FUNDS	10761,731	12089,498
TOTAL	165212,021	179570,516
05 HEALTH AND SOCIAL SERVICES 04 VETERANS HOME 01 VETS HOME PROFESSIONAL CARE		
STRIKE OUT		
10 PERMANENT PERSONAL SERVICES	457,058	466,571

	----- FISCAL YEAR 1980 -----		----- FISCAL YEAR 1981 -----	
AMENDMENTS TO HB700				
05 HEALTH AND SOCIAL SERVICES 04 VETERANS HOME 01 VETS HOME PROFESSIONAL CARE	(CONT.) (CONT.) (CONT.)			
INSERT IN PLACE THEREOF 10 PERMANENT PERSONAL SERVICES STRIKE OUT 60 BENEFITS INSERT IN PLACE THEREOF 60 BENEFITS	466,567 79,146 80,667	476,255 81,126 82,675		
TOTAL ESTIMATED SOURCE OF FUNDS FOR VETS HOME PROFESSIONAL CARE	666,734		688,686	
STRIKE OUT GENERAL FUND	759		955	
INSERT IN PLACE THEREOF GENERAL FUND	11,789 666,734		12,188 688,686	
TOTAL	1089,951		1111,828	
TOTAL ESTIMATED SOURCE OF FUNDS FOR VETERANS HOME FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS	339,832 435,006 315,113 1089,951		339,832 435,330 336,666 1111,828	
TOTAL	171106,194		187151,127	
TOTAL ESTIMATED SOURCE OF FUNDS FOR HEALTH AND SOCIAL SERVICES FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS	77457,355 82548,336 11100,503 171106,194		86142,259 88561,285 12447,583 187151,127	
06 EDUCATION 01 COMMISSION ON ARTS				
STRIKE OUT 94 SPECIAL STATE PROJECT	20,000			

AMENDMENTS TO
HB700

----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

(CONT.)
(CONT.)

06 EDUCATION
01 COMMISSION ON ARTS

INSERT IN PLACE THEREOF
94 SPECIAL STATE PROJECT

20,000 20,000
521,265 523,144

TOTAL
ESTIMATED SOURCE OF FUNDS FOR

COMMISSION ON ARTS

STRIKE OUT

GENERAL FUND

101,203

INSERT IN PLACE THEREOF

GENERAL FUND

121,203
523,144

TOTAL

06 EDUCATION
02 POST SECONDARY EDUCATION COMMISSION
02 NH INCENTIVE PROGRAM

INSERT

80 OUT-OF-STATE TRAVEL

1,200

STRIKE OUT

90 LOAN INCENTIVE

63,632

INSERT IN PLACE THEREOF

90 LOAN INCENTIVE

62,432

TOTAL

815,819

722,608

06 EDUCATION
02 POST SECONDARY EDUCATION COMMISSION
03 EDUCATIONAL INFORMATION CENTERS

INSERT

20 CURRENT EXPENSES

6,847

INSERT

50 OTHER PERSONAL SERVICES

8,768

AMENDMENTS TO HB700	(CONT.) (CONT.) (CONT.)	----- FISCAL YEAR 1980 -----	----- FISCAL YEAR 1981 -----
06 EDUCATION			
02 POST SECONDARY EDUCATION COMMISSION			
03 EDUCATIONAL INFORMATION CENTERS			
INSERT			
60 BENEFITS	537		
INSERT			
70 IN-STATE TRAVEL	200		
INSERT			
80 OUT-OF-STATE TRAVEL	300		
INSERT			
94 EDUCATION INFORMATION CENTERS	33,348		
TOTAL		50,000	
ESTIMATED SOURCE OF FUNDS FOR			
EDUCATIONAL INFORMATION CENTERS			
INSERT			
FEDERAL FUNDS		50,000	
TOTAL		50,000	
TOTAL		1305,244	1390,872
ESTIMATED SOURCE OF FUNDS FOR			
POST SECONDARY EDUCATION COMMISSION			
FEDERAL FUNDS		391,465	391,465
GENERAL FUNDS		913,579	999,207
OTHER FUNDS		200	200
TOTAL		1305,244	1390,872
06 EDUCATION			
03 BOARD OF EDUCATION			
13 N H TECHNICAL INSTITUTE CONCORD			
01 DAY SCHOOL			
STRIKE OUT			
20 CURRENT EXPENSES	229,982		213,331
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	273,000		275,000
TOTAL		2036,103	2053,628
ESTIMATED SOURCE OF FUNDS FOR			
DAY SCHOOL			

AMENDMENTS TO		FISCAL YEAR 1980		FISCAL YEAR 1981	
HB700					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
06 EDUCATION					
03 BOARD OF EDUCATION					
13 N H TECHNICAL INSTITUTE CONCORD					
01 DAY SCHOOL					
STRIKE OUT					
GENERAL FUND		1647,536	1646,410		
INSERT IN PLACE THEREOF		1690,554	1708,079		
GENERAL FUND		2036,103	2053,628		
TOTAL					2992,405
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
N H TECHNICAL INSTITUTE CONCORD					
FEDERAL FUNDS		274,000			274,000
GENERAL FUNDS		1705,476			1737,150
OTHER FUNDS		986,188			981,255
TOTAL		2965,664			2992,405
06 EDUCATION					
03 BOARD OF EDUCATION					
15 N H VOC & TECH COLLEGE CLAREMONT					
01 DAY SCHOOL					
STRIKE OUT					
20 CURRENT EXPENSES		101,000	101,000		
INSERT IN PLACE THEREOF		110,655	107,886		
20 CURRENT EXPENSES					
TOTAL		1033,925	1037,283		
ESTIMATED SOURCE OF FUNDS FOR					
DAY SCHOOL					
STRIKE OUT					
GENERAL FUND		825,445	826,572		
INSERT IN PLACE THEREOF		835,100	833,458		
GENERAL FUND		1033,925	1037,283		
TOTAL		1399,445			1416,123
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
N H VOC & TECH COLLEGE CLAREMONT					

AMENDMENTS TO		----- FISCAL YEAR 1980 -----	----- FISCAL YEAR 1981 -----
HB700			
(CONT.)			
(CONT.)			
(CONT.)			
06 EDUCATION			
03 BOARD OF EDUCATION			
15 N H VOC & TECH COLLEGE CLAREMONT			
FEDERAL FUNDS		92,500	92,500
GENERAL FUNDS		896,235	898,643
OTHER FUNDS		410,710	424,980
TOTAL		1399,445	1416,123
06 EDUCATION			
03 BOARD OF EDUCATION			
16 N H VOC & TECH COLLEGE LACONIA			
01 DAY SCHOOL			
STRIKE OUT			
10 PERMANENT PERSONAL SERVICES		451,974	454,695
INSERT IN PLACE THEREOF			
10 PERMANENT PERSONAL SERVICES		469,834	473,570
STRIKE OUT			
60 BENEFITS		72,898	73,358
INSERT IN PLACE THEREOF			
60 BENEFITS		75,756	76,378
STRIKE OUT			
99 INDIRECT COSTS		69,221	69,629
INSERT IN PLACE THEREOF			
99 INDIRECT COSTS		71,900	72,460
TOTAL		733,365	741,585
ESTIMATED SOURCE OF FUNDS FOR			
DAY SCHOOL			
STRIKE OUT			
GENERAL FUND		550,518	549,909
INSERT IN PLACE THEREOF			
GENERAL FUND		573,915	574,635
TOTAL		733,365	741,585
TOTAL		920,664	944,047
ESTIMATED SOURCE OF FUNDS FOR			
N H VOC & TECH COLLEGE LACONIA			
FEDERAL FUNDS		80,432	83,204

AMENDMENTS TO
HB700

	FISCAL YEAR 1980	FISCAL YEAR 1981
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(CONT.)
(CONT.)
(CONT.)

06 EDUCATION
03 BOARD OF EDUCATION
16 N H VOC & TECH COLLEGE LACONIA

	GENERAL FUNDS
	OTHER FUNDS
	TOTAL

582,391
278,452
944,047

06 EDUCATION
03 BOARD OF EDUCATION
17 N H VOC & TECH COLLEGE MANCHESTER
01 DAY SCHOOL

STRIKE OUT
20 CURRENT EXPENSES
INSERT IN PLACE THEREOF
20 CURRENT EXPENSES

100,200	100,200
112,200	115,200

TOTAL ESTIMATED SOURCE OF FUNDS FOR DAY SCHOOL	ESTIMATED SOURCE OF FUNDS FOR DAY SCHOOL
100	100

885,335

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THERE
GENERAL FUND

708,476	711,110
720,476	726,110
879,701	885,335

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
N H VOC & TECH COLLEGE MANCHESTER

	FEDERAL FUNDS
	GENERAL FUNDS
	OTHER FUNDS
TOTAL	

1130.472	95.176
	754.754
	300.542
1130.472	95.176

06 EDUCATION
03 BOARD OF EDUCATION
18 N H VOC & TECH COLLEGE NASHUA
01 DAY SCHOOL

STRIKE OUT
20 CURRENT EXPENSES

85,000	85,000
--------	--------

AMENDMENTS TO		----- FISCAL YEAR 1980 -----		----- FISCAL YEAR 1981 -----	
HB700					
(CONT.)					
06 EDUCATION					
03 BOARD OF EDUCATION					
18 N H VOC & TECH COLLEGE NASHUA					
01 DAY SCHOOL					
(CONT.)					
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES		88,000		89,000	
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR		869,401		867,586	
DAY SCHOOL					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF		666,951		660,211	
GENERAL FUND		669,951		664,211	
TOTAL		869,401		867,586	
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR		1200,341		1241,159	
N H VOC & TECH COLLEGE NASHUA					
FEDERAL FUNDS					
GENERAL FUNDS		103,516		115,073	
OTHER FUNDS		672,375		672,711	
TOTAL		424,450		453,375	
TOTAL		1200,341		1241,159	
06 EDUCATION					
03 BOARD OF EDUCATION					
20 ADMINISTRATIVE DIVISION					
01 PROGRAM SCVS ADMINISTRATIVE					
STRIKE OUT					
20 CURRENT EXPENSES		18,537		19,078	
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES		21,537		19,078	
INSERT					
*					
AN APPROPRIATION OF \$3,000 IS PROVIDED FOR COMPLIANCE WITH 186:11,XIX. THESE FUNDS SHALL NOT BE EXPENDED FOR ANY OTHER PURPOSE, AND SHALL BE NON-LAPSING IN THE FIRST YEAR OF THE BIENNIMUM.					

AMENDMENTS TO
HB700

----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

(CONT.)
(CONT.)
(CONT.)
(CONT.)

06 EDUCATION
03 BOARD OF EDUCATION
20 ADMINISTRATIVE DIVISION
01 PROGRAM SCVS ADMINISTRATIVE

TOTAL	227,655	224,019	598,439
ESTIMATED SOURCE OF FUNDS FOR			
PROGRAM SCVS ADMINISTRATIVE			
STRIKE OUT			
GENERAL FUND	224,655	224,019	
INSERT IN PLACE THEREOF	227,655	224,019	
GENERAL FUND	227,655	224,019	
TOTAL			
TOTAL	600,491		598,439
ESTIMATED SOURCE OF FUNDS FOR			
ADMINISTRATIVE DIVISION			
FEDERAL FUNDS	158,183		158,770
GENERAL FUNDS	298,447		295,805
OTHER FUNDS	143,861		143,764
TOTAL	600,491		598,439

06 EDUCATION
03 BOARD OF EDUCATION
26 VOC REHAB - EDUCATION PROGRAMS
01 EDUCATION PROGRAMS
01 SPECIAL EDUCATION - STATE

ESTIMATED SOURCE OF FUNDS FOR			
SPECIAL EDUCATION - STATE			
INSERT			
FED REVENUE SHARING	5513,956	5509,863	
STRIKE OUT			
GENERAL FUND	5650,403	5648,697	
INSERT IN PLACE THEREOF	136,447	138,834	
GENERAL FUND	5650,403	5648,697	
TOTAL			
TOTAL	7874,963	8972,044	
ESTIMATED SOURCE OF FUNDS FOR			
EDUCATION PROGRAMS			

06. EDUCATION
03. BOARD OF EDUCATION
26. VOC. REHAB. - EDUCATION PROGRAMS
01. EDUCATION PROGRAMS

(CONT.)
(CONT.)
(CONT.)
(CONT.)

FEDERAL FUNDS
GENERAL FUNDS
TOTAL

7738,516
136,447
7874,963

8833,210
138,834
8972,044

TOTAL

8972,044

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
VOC. REHAB. - EDUCATION PROGRAMS

FEDERAL FUNDS
GENERAL FUNDS
TOTAL

7738,516
136,447
7874,963

8833,210
138,834
8972,044

TOTAL

ESTIMATED SOURCE OF FUNDS FOR
BOARD OF EDUCATION

FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

33907,571
20877,010
4035,521
58820,102

36513,613
21041,933
4110,045
61665,591

06. EDUCATION
05. N. H. NETWORK

STRIKE OUT
90 TOTAL
INSERT IN PLACE THEREOF
90 TOTAL

1856,948
1881,948
1881,948

1867,954
1892,954
1892,954

TOTAL

ESTIMATED SOURCE OF FUNDS FOR
N. H. NETWORK

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND

647,921
672,921

647,921
672,921

AMENDMENTS TO
HB700

06 EDUCATION
05 N H NETWORK

(CONT.)
(CONT.)

----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

TOTAL

06 EDUCATION
06 N.H. SWEEPSTAKES COMMISSION
01 SWEEPSTAKES COMMISSION

1892,954

1881,948

INSERT THE ESTIMATED REVENUES AND EXPENDITURES FOR THE
BIENNIUM ARE AS FOLLOWS:

	1980	1981
REVENUES	11,100,000	12,215,000
EST. AGENT COMM.	456,250	504,000
EST. BANK COMM.	95,250	104,800
EST. PRIZES (4.8%)	5,196,000	5,716,800
EST. PROCEEDS BEFORE		
ADM & OPER. COSTS	5,352,500	5,889,400
OPER. APPROPRIATED		
FUNDS LESS LIQUOR		
COMMISSIONS	1,227,574	1,250,830
BAL. FOR SCHOOLS	4,124,926	4,638,570

06 EDUCATION
06 N.H. SWEEPSTAKES COMMISSION
02 DAILY NUMBERS GAME

INSERT THE ESTIMATED REVENUES AND EXPENDITURES FOR THE
BIENNIUM ARE AS FOLLOWS:

	1980	1981
REVENUES	2,200,000	2,420,000
EST. AGENT COMM.	110,000	121,000
EST. PRIZES (4.8%)	1,056,000	1,161,600
EST. PROCEEDS BEFORE		
ADM & OPER. COSTS	1,034,000	1,137,400
OPER. APPROPRIATED		
FUNDS LESS LIQUOR		
COMMISSIONS	317,517	317,751
BAL. FOR SCHOOLS	716,483	819,649

TOTAL
ESTIMATED SOURCE OF FUNDS FOR

EDUCATION
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

161724,347

166603,488

37237,779
50927,032
73559,536
161724,347

39843,821
51300,869
75458,798
166603,488

AMENDMENTS TO
HB700

STATE SUMMARY

TOTAL
ESTIMATED SOURCE OF FUNDS FOR

FEDERAL FUNDS		
GENERAL FUNDS		
HIGHWAY FUNDS	185,333.834	137,704,889
FISH AND GAME	244,059.432	256,973,574
OTHER FUNDS	87,391,944	89,117,549
TOTAL	296,785,210	3012,828
	148,038,309	151,141,196
	667,810,398	697,956,036

----- FISCAL YEAR 1980 ----- FISCAL YEAR 1981 -----

HB700

AMEND BUDGET FOOTNOTE 1.08, I BY STRIKING OUT THE LAST PARAGRAPH SO THAT SAID BUDGET FOOTNOTE, AS AMENDED, SHALL READ AS FOLLOWS:

- I. THE COMPTROLLER SHALL MONITOR THE AMOUNT OF REVENUES COLLECTED FROM THE ROAD TOLLS ON A QUARTERLY BASIS. IF, UPON SUCH QUARTERLY REVIEW, THERE IS SIGNIFICANT DECREASE IN ANTICIPATED REVENUE, HE SHALL NOTIFY THE COMMISSIONER OF PUBLIC WORKS AND HIGHWAYS OF THE SHORTFALL AMOUNT AND REQUEST THE COMMISSIONER TO PROPOSE REDUCTIONS IN THE PUBLIC WORKS AND HIGHWAYS GROSS APPROPRIATION INCLUDING TRANSFERS TO OTHER AGENCIES, BUT EXCLUDING CONSTRUCTION AND RECONSTRUCTION ACCOUNTS SUPPLEMENTAL ROAD TOLL DISTRIBUTION AND ANY OTHER NON-LAPSING FUNDS. EQUAL TO THE AMOUNT OF THE SHORTFALL. THE COMMISSIONER OF PUBLIC WORKS AND HIGHWAYS SHALL NOTIFY EACH AGENCY WHICH RECEIVES A TRANSFER OF FUNDS FROM THE COMMISSIONER OF THE AMOUNT OF THE REVENUE REDUCTION WHICH IS ALLOCATED TO THAT AGENCY, AND THE HEAD OF THAT AGENCY SHALL NOTIFY THE COMPTROLLER OF THE APPROPRIATION CLASS ACCOUNTS TO BE REDUCED. THE COMPTROLLER SHALL THEN REDUCE THE APPROPRIATION CLASS ACCOUNTS AS RECOMMENDED BY THE COMMISSIONER FOR HIS BUDGET AND THE HEADS OF AGENCIES RECEIVING TRANSFERS FROM THE COMMISSIONER FOR THEIR BUDGETS. IF AN APPROPRIATION REDUCTION PURSUANT TO THIS SECTION IS INSTITUTED AND IF AT A LATER QUARTERLY MONITORING THE ROAD TOLL REVENUES INCREASE, THE COMPTROLLER SHALL NOTIFY THE COMMISSIONER TO AUTHORIZE HIM TO INCREASE THE APPROPRIATION PROPORTIONATE TO THE AMOUNT OF REVENUE AVAILABLE. SUCH INCREASES SHALL BE ALLOCATED PROPORTIONATELY BETWEEN THE BUDGET OF THE COMMISSIONER AND TO THE AGENCIES RECEIVING TRANSFERS FROM THE COMMISSIONER.

FURTHER AMEND THE BILL BY STRIKING OUT SECTION 10.

FURTHER AMEND THE BILL BY STRIKING OUT SECTION 15.

FURTHER AMEND THE BILL BY STRIKING OUT SECTION 24 AND INSERTING IN PLACE THEREOF THE FOLLOWING:

24. POSITIONS RESTRICTED. IN ADDITION TO THE POSITIONS AUTHORIZED HEREIN, NO NEW PERSONNEL POSITIONS, EXCEPT THOSE IN PAU 01-03-01 FOR PERSONAL STAFF AND CONSULTANTS, MAY BE CREATED BY THE ACCEPTANCE OF FEDERAL MONIES OR MONIES FROM ANY OTHER SOURCE UNLESS SUCH POSITIONS ARE APPROVED BY THE FISCAL COMMITTEE OF THE GENERAL COURT; PROVIDED HOWEVER, THAT THE GOVERNOR AND COUNCIL MAY ACCEPT ALL MONIES AVAILABLE FOR ANY EMERGENCY OR DISASTER AS DEFINED BY THE AUTHORITY AWARDING SUCH MONIES; AND PROVIDED FURTHER THAT ALL SUCH MONIES AVAILABLE TO THE GENERAL COURT OR TO EITHER OF ITS HOUSES MAY BE ACCEPTED BY THE RESPECTIVE PRESIDING OFFICERS WITH THE PRIOR APPROVAL OF THE FISCAL COMMITTEE. NOTHING HEREIN SHALL BE CONSTRUED TO AFFECT THE PROVISIONS OF RSA 98:17-A OR 124. THE RESTRICTIONS SPECIFIED IN THIS SECTION SHALL NOT APPLY TO PUBLIC LAW 93-647, TITLE XX OF THE SOCIAL SECURITY ACT AS AMENDED. EVERY BOARD, AGENCY, DEPARTMENT OR COMMISSION RECEIVING SUCH FEDERAL OR OTHER MONIES SHALL ATTEMPT TO APPLY THEM IN WHOLE OR IN PART TO THE COST OF PERSONNEL POSITIONS AUTHORIZED BY THIS ACT SO AS TO REDUCE THE OBLIGATION OF GENERAL FUNDS, BUT IF THE SALARIES OF SUCH PERSONNEL POSITIONS CANNOT BE PAID OUT OF SUCH MONIES THEN THEY SHALL BE CONSIDERED AS SPECIFIED ABOVE. ALL SUCH MONIES WHICH FUND PERSONNEL POSITIONS SUBJECT TO THE RESTRICTIONS OF THIS SECTION SHALL BE USED ONLY FOR THE PURPOSES OR PROGRAMS SPECIFIED IN THE APPLICATION FOR APPROVAL OF THE POSITIONS OR AS OTHERWISE AUTHORIZED BY LAW, AND ALL SUCH MONIES WHICH ARE ACCEPTED IN ACCORDANCE WITH LAW ARE HEREBY APPROPRIATED.

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FURTHER AMEND THE BILL BY STRIKING OUT SECTION 29.

FURTHER AMEND THE BILL BY RENUMBERING SECTIONS 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34 AND 35

TO READ 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 AND 32.

Rep. Tucker explained the committee amendment.

Reps. Kidder, LaMott, Scranton and Wiviott spoke to the committee amendment.

Reps. Scranton, Tucker, Nardi, Hanson, Wiviott and Margaret Ramsay yielded to questions.

Rep. Snell spoke in favor of the amendment.

Reps. Spirou, Blanchette and French spoke in favor of the amendment.

Rep. French requested a quorum count.

The Speaker declared a quorum present.

Amendment adopted.

Rep. Tucker offered an amendment.

Amendment

Amend the bill by striking out the division footnotes in 01, 12 and inserting in place thereof the following:

The pro rata share of the administrative cost for the biennium ending June 30, 1981 shall be one quarter of one percent of the payroll of the employees of the employers who are members. This appropriation shall be a charge on the administrative cost account funds: provided that the appropriations for accrued liability, normal contribution, hospitalization group life insurance, and retiree cost of living shall be a charge against the general funds of the state.

The Assistant Clerk read the amendment.

Rep. Tucker explained the amendment.

Amendment adopted.

Rep. Tucker offered a further amendment.

Amendment

Amend the bill by striking out section 18 and inserting in place thereof the following:

18 Vacant Positions: Fiscal committee and governor and council approval required. Other provisions of law notwithstanding, any permanent classified position which has been vacant for a period of 6 months or more on the effective date of this act shall be abolished. All currently authorized permanent classified positions not filled on June 30, 1979, and any other such positions that remain vacant for 6 months during the biennium ending June 30, 1981, shall be abolished forthwith provided, however, that the governor and council with the prior approval of the fiscal committee of the general court may authorize the continuation of any position or positions or group or class of positions. It is further provided that any position or positions so abolished including the appropriated funding for such position or positions may be transferred or reallocated to any other state agency upon approval of the governor and council with the prior approval of the fiscal committee, provided further that the general fund proportion shall be no greater than that contained in the original appropriation for said position or positions. In the event the position transferred to another state agency is not in the appropriate class series needed, the director of personnel is

duly authorized to reclassify said position, but the cost of said reclassification, should it require a higher salary grade, must be absorbed by available funds within the agency to which the position is transferred.

The Assistant Clerk read the amendment.

Rep. Tucker explained the amendment.

Amendment adopted.

Rep. Hall offered an amendment.

Amendment

Amend the original section 26 of the bill by striking out same and renumbering the remaining sections.

(26. Agencies created by executive order. Only those agencies which perform functions constitutionally entrusted to the Governor shall be exempt from the provisions of RSA 17-G:4, I.)

The Assistant Clerk read the amendment.

Rep. Hall explained her amendment.

Rep. Tucker spoke against the amendment and yielded to questions.

Rep. Daniell spoke in favor of the amendment.

Rep. Chambers spoke against the amendment.

Rep. Tucker spoke a second time against the amendment.

Rep. Hall requested a division.

37 members having voted in the affirmative and 259 in the negative, the amendment lost.

Rep. Daniell offered an amendment.

Amendment

Amend the bill by striking out section 14 of the amended bill and renumbering sections 15-32 to read as

14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31 respectively.

(14. Out-of-State trips. For the fiscal year ending June 30, 1980 and 1981 the provisions of RSA 9:25 are hereby suspended. Expenses for out-of-state travel incident to the regular conduct of state business may be charged only against class 80 Appropriations. Expenses for out-of-state travel for more than one person for the purpose of education and training must have advance authorization from Governor and Council.)

The Clerk read the amendment.

Rep. Daniell explained his amendment.

Rep. Tucker spoke against the amendment and yielded to questions.

Reps. Hanson and Ward spoke against the amendment.

Amendment lost.

Question being on the adoption of the committee report as amended.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 295 NAYS 11
YEAS 295

BFLKNAP: Birch, Bordeau, Bowler, Gary
Dionne, French, Hanson, Hildreth, Mansfield,
Matheson, Morin, Nighswander, Randall,
Sabbow and Sanders.

CARROLL: Roderick Allen, Chase, Desjardins,
Dickinson, Heath, Howard, Keller, Kenneth
MacDonald and Kenneth Smith.

CHESHIRE: Baybutt, Callahan, Crane, Jesse
Davis, Daniel Eaton, Eisengrein, Galloway,
Gordon, Kohl, Ladd, Matson, Nims, O'Connor,
Margaret Ramsay, William Riley, Russell,
Scranton and Vrakatitsis.

COOS: Brungot, Chappell, Fortier, Guav,
Bradley Haynes, Horton, Mayhew, Oleson,
Therhault, Alcide Valliere, Willev, Wiswell
and York.

GRAFTON: Ira Allen, George Cate, Chambers,
Christy, Copenhaver, Crory, Dearborn,
Foster, Michael King, LaMott, Logan, Low,
Lownes, Mann, Pepitone, Rounds, Snell,
Taffe, Walter, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Archambault, Arris,
Aubut, Baker, Rosse, Boyer, Brack, Burkush,
Carswell, Yvette Chagnon, Compagna, Corser,
Coutermarsh, Craig, Catherine-Ann Day, L.
Penny Dion, Donovan, Dreniak, Beverly
Dupont, Gabrielle Gagnon, Nancy Gagnon,
Gelines, Girolimon, Granger, Hall, Head,
Heald, Hendrick, Howard Humphrey, Jamrog,
Karnis, Keefe, Labomharde, Lamy, Lefebvre,
Levesque, Lyons, Madigan, Martel, Martineau,
Mazur, McCarthy, McLaughlin, Morgan,
Mulligan, Fred Murray, Naro, Odell, Pappas,
Perkins, Peters, Plomaritis, Podles, Polak,
Proulx, David Ramsay, Peter Ramsey, Record,
Reidy, Roy, Sallada, Silva, Edward Smith,
Leonard Smith, Soucy, Spirou, Stylianos,
James Sullivan, Rock Tremblay, Vachon, Van
Loan, Wallin, Eliot Ware, Weaver, Welch,
Emma Wheeler, Kenneth Wheeler, Robert
Wheeler, James J. White, M. Arnold Wight and
Zajdel.

MERRIMACK: Avles, Bellerose, Bibbo,
Blakeney, Bodi, Laurent Boucher, Carroll,
John Cate, Milton Cate, Clements, Epstein,
Hill, James Humphrey, Kidder, Locke,
Mitchell, O'Neill, Packard, Paire, Plourde,
Ralph, Randlett, Doris Riley, William
Roberts, Selway, Shepard, Gerald Smith,
Stockman, Stokes, Trachy, Rick Trombly,
Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton,
Bishee, Blanchette, William Boucher, Butler,
Marilyn Campbell, Carpenito, Collins,
Connors, Patricia Cote, Robert Dav, Dunfey,
Ellyson, Felch, Flanagan, Joseph Flynn,
Beverly Gage, Carl Gage, Gibbons, Gould,
Griffin, Hoar, Jackson, Jones, Kane,
Kashulines, Keenan, Roger King, Kozacka,
Krasker, Landrv, Laycock, Leslie, Lovejoy,
Joseph MacDonald, McEachern, Nelson, Newell,
Pantelakos, Parolise, Parr, Peterson,
Pevear, Quimby, Reese, Rogers, Scamman,
Schmidtchen, Schwaner, Skinner, Freda Smith,
Splaine, Stickney, Stimmell, Sytek,

Tavitian, Tufts, Vartanian, Vlack, Helen
Wilson, Wojnowski and Wolfesen.

STRAFFORD: Burchell, Cannev, Donnelly,
Drew, Farnham, Gauvin, Charles Grassie,
Hebert, Dianne Herchek, James Herchek, Joos,
Lessard, McManus, Meader, Nadeau, Pine,
Pray, Dennis Ramsey, Robinson, Sackett,
Schreiber, Donald Smith, Tripp, Vallev,
Vaughan and Whitehead.

SULLIVAN: Edmund Belak, Brodeur, Burrows,
Cutting, Sim Gray, LeBrun, Lucas, Palmer,
Spanos, Spaulding, Townsend, Tucker, Wiggins
and Williamson.

NAVS 11

BELKNAP: None.

CARROLL: None.

CHESHIRE: None.

COOS: None.

GRAFTON: Aldrich, Buckman, Clark and Seely.

HILLSBOROUGH: Clyde Eaton, Joseph Eaton and
Aime Paradis.

MERRIMACK: Daniell and LaBranche.

ROCKINGHAM: Newman and Warburton.

STRAFFORD: None.

SULLIVAN: None, and the committee report
was adopted.

Ordered to third reading.

Reps. Rice, Morrison, Nemzoff-Berman,
and David Campbell wished to be recorded in
favor of the committee report on HB 700.

SUSPENSION OF RULES

Rep. Bibbo moved that the rules be so
far suspended as to permit consideration at
the present time of HB 877, making
appropriations for capital improvements,
without the required notice in the calendar.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS (cont.)

HB 877, making appropriations for
capital improvements. Ought to Pass with
Amendment. Rep. James V. Bibbo, Jr. for
Public Works.

Reps. Keller and Galloway yielded to
questions.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant general		
Concord armory paving	\$ 50,000**	
Total paragraph I		50,000
II. Administration and Control		
A. Energy conservation and management for 9 selected state buildings in Concord	1,338,000	
B. Addition to records and archives design and planning	44,000	
C. Executive council and governor's offices - furnishings	44,000*	
D. Attorney general - furniture and equipment	176,718*	
E. Arts acquisition fund (limited to 1% of general funds new construction of HB 430 becomes law)	51,520	
Total paragraph II		1,654,238
III. Aeronautics Commission		
A. Keene		
Rehabilitate taxiway RW 2 - 20	75,000	
Less federal	60,000	
Net appropriation paragraph A	15,000*	
B. Lebanon		
(1) H.I.R.W. lights RW 18 - 36	100,000	
Less federal	80,000	
Net appropriation paragraph (1)	20,000**	
(2) Extend RW 18 - 36 1300' x 150'	750,000	
Less federal	600,000	
Net appropriation paragraph (2)	150,000	
Net appropriation paragraph B	170,000	
C. Manchester		
Major repairs and/or rebuild RW 17 - 35	1,050,000	
Less federal	840,000	
Net appropriation paragraph C	210,000	
D. Berlin		
Land acquisitions and hazard beacons	68,000	
Less federal	61,200	
Net appropriation paragraph D	6,800	
E. Rochester		
(1) Master plan	26,600	
Less federal	21,600	
Net appropriation paragraph (1)	5,000	
(2) Maintenance hangar purchase	98,250	
Net appropriation paragraph (2)	98,250	
Net appropriation paragraph E	103,250	
Total paragraph III		505,050
IV. Education		
A. Seacoast area voc-tech college		
Site acquisition, design and planning (test borings to be completed and accepted as suitable for construction by the department of public works and highways prior to expending any funds for design and planning)	500,000	
Total paragraph A	500,000	
B. Berlin voc-tech college		
(1) Design and planning for		

	library, electricity, electronics addition and renovation	118,000	
	(2) Sewer connection	19,000	
	(3) Natural resources equipment	15,000**	
	(4) Business equipment	15,000**	
	Total paragraph B	167,000	
C.	N.H. technical institute - Concord		
	(1) Boiler conversion burners	25,000**	
	(2) Computer lab air conditioner	11,000*	
	(3) Business office equipment	10,000**	
	(4) Dental equipment	93,000**	
	Total paragraph C	139,000	
D.	Claremont voc-tech college		
	(1) Snow removal equipment	13,800**	
	(2) Electronic - electricity equipment	56,600*	
	(3) Business department equipment	13,200**	
	(4) Allied health equipment	13,800**	
	Total paragraph D	97,400	
E.	Laconia voc-tech college		
	(1) Classroom - laboratory building	1,454,000	
	(2) Furnishings and equipment	97,000*	
	Total paragraph E	1,551,000	
F.	Manchester voc-tech college		
	(1) Classroom - laboratory building	3,340,000	
	(2) Furnishings and equipment	575,000*	
	(3) Roof repairs	103,000**	
	(4) Machine tool equipment	20,000**	
	Total paragraph F	4,038,000	
G.	Nashua voc-tech college		
	(1) Machine tool equipment	15,000**	
	(2) Automotive equipment	17,200**	
	(3) Secretarial science equipment	10,500**	
	(4) Design and planning class- room, laboratory and cafeteria	201,600	
	Total paragraph G	244,300	
	Total paragraph IV		6,736,700
V.	Port Authority		
	Engineering design study phase I	25,000	
	Total paragraph V		25,000
VI.	Health and Welfare		
	A. Glencliff		
	(1) Penstock replacement	105,000	
	(2) Sprinkler system - Adams Hall	22,000	
	(3) Fire safety renovations	27,000	
	(4) Patient call system	20,000**	
	(5) Reface concrete on hydropower dam	25,000	
	Total paragraph A	199,000	
B.	New Hampshire hospital		
	(1) New elevator in Dolloff building	168,000	
	(2) Fire safety renovations	26,600	
	(3) Exit renovations - Johnson Hall	6,800	
	(4) New exit - Londergan Hall	14,100	
	(5) Pharmacy air conditioning	15,000*	
	(6) Tumbler dryers	25,000**	
	(7) Sheet folder	18,500**	
	(8) Laundry extractor	16,000**	
	(9) Roof repairs - Walker building	40,000**	
	Total paragraph B	330,000	
C.	Laconia state school		
	(1) Roof repairs	55,000**	
	(2) Life safety code renovations - King	155,000	

(3)	Life safety code renovations - Blood	455,000	
(4)	Privacy and bathroom modifications	375,000	
(5)	Repair steam line	55,000	
	Total paragraph C	<u>1,095,000</u>	
	Total paragraph VI		1,624,000
VII. Resources and Economic Development			
A. Office of commissioner			
	Repair, removal, relocation of department buildings (including compliance with handicapped access requirements)	85,000*	
	Total paragraph A	<u>85,000*</u>	
B. Division of parks and recreation			
(1)	Seacoast improvements - parking, seawall, toilet facilities	185,000	
(2)	Bear Brook state park - bath house	20,000	
(3)	Mt. Sunapee state park - north peak chairlift mechanical overhaul	175,000*	
(4)	Crawford Notch state park - replace dam	100,000	
(5)	Trail development	20,000	
(6)	Pawtuckaway state park - boat launch ramp	25,000	
(7)	Ellacoya state park - new beach area	150,000	
(8)	Forest Lake state park - bath house	138,000	
(9)	Silver Lake state park - parking improvements	35,000	
	Total paragraph B	<u>848,000</u>	
	Less federal	<u>208,000</u>	
	Net appropriation paragraph B	640,000	
C. Land acquisition projects			
(1)	Bear Brook	275,000	
(2)	Coastal properties (not to be acquired through eminent domain)	250,000	
(3)	Coleman	20,000	
(4)	Manadnock	20,000	
(5)	Mast Yard	22,500	
(6)	White Lake	20,000	
(7)	Annett	250,000	
(8)	Greenfield	75,000	
(9)	Trail acquisition	75,000	
(10)	Pine River recreation waterway	250,000	
(11)	Winslow Site, Wilnot Flats	<u>72,000</u>	
	Total paragraph C	<u>1,329,500</u>	
	Less federal	<u>829,500</u>	
	Net appropriation paragraph C	500,000	
	Total paragraph VII		1,225,000
VIII. Safety			
A. Glendale boathouse renovations (to be appropriated from the general funds)			
		28,000	
B. Fork lift (to be appropriated from the general funds)			
		20,000*	
C. Department of safety sub-station and state police barracks, Twin Mountain sub-station and state police barracks on state owned land (to be appropriated from the highway fund)			
		358,000	
D. Moultonboro - site acquisition (to be appropriated from the highway funds)			
		<u>20,000</u>	
	Total paragraph VIII		426,000

IX. State Prison		
A. Administration building		
roof repairs	21,700**	
B. Purchase and renovate		
halfway house - Hillsborough	135,000	
C. Life and fire safety	27,000	
D. Food service renovations	108,000	
E. Wall repairs	75,000	
F. Prison industries equipment	115,000*	
G. Excavation and snow removal		
equipment	35,000*	
H. Design and planning		
100 bed unit	<u>125,000</u>	
Total paragraph IX		641,700
X. Supreme Court		
A. Roof repair and alterations	64,000**	
B. Expansion of courthouse	<u>412,750</u>	
Total paragraph X		476,750
XI. New Hampshire Veterans Home		
Roof repair - Welch building	<u>98,000**</u>	
Total paragraph XI		98,000
XII. Water Resources Board		
A. Construction division		
(1) Suncook Lake dam	31,250	
(2) Horace Lake dam	147,000	
(3) Grafton Pond	149,250	
(4) Hermit Lake dam	136,300	
(5) Cedar Pond dam	<u>45,500</u>	
Total paragraph A	509,300	
B. Public Law 566 projects		
(1) Sugar River Watershed		
Site D2	1,698,000	
Less federal	1,500,000	
Less town	<u>122,000</u>	
Net appropriation paragraph (1)	76,000	
(2) Sugar River Watershed		
Site C9	1,566,450	
Less federal	1,272,500	
Less town	<u>150,250</u>	
Net appropriation paragraph (2)	143,700	
Net appropriation paragraph B	219,700	
Total paragraph XII		729,000
XIII. Youth Development Center		
A. Replacement of underground		
steamlines	75,000	
B. Repairs to swimming pool complex	74,000	
C. Roof replacement - Riverview House	5,200**	
D. New ramp and roof at kitchen area	15,200	
E. Upgrade fire alarm systems	51,800	
F. Site designing and planning for		
halfway house - seacoast area	<u>25,000</u>	
Total paragraph XIII		246,200
XIV. Department of Labor		
Handicapped renovations -		
16 Pillsbury St.	<u>60,000</u>	
Total paragraph XIV		60,000
XV. Public Works and Highways		
A. Satellite garage - division 3 area	277,000	
B. Computer room expansion	79,200	
C. Roof moisture meter	<u>6,200*</u>	
Total paragraph XV		
(to be appropriated from the		
highway fund)		362,400
Total state appropriation section 1		14,860,038

*To be 5 year bonds.

**To be 10 year bonds.

2 Appropriation, University of New Hampshire System. The sums hereinafter detailed in this section are hereby appropriated for the projects specified, including but not limited to the purchasing, constructing, furnishing and equipping thereof, to the trustees of the University of New Hampshire system:

I. University system, all campuses		
Energy conservation studies	<u>80,000</u>	
Total paragraph I		80,000
II. Durham campus		
(a) Hood house - design, planning		
study patient flow	70,000	
(b) Health studies and arts -		
phase I design	285,000	
(c) Roofing and other major repairs	350,000*	
(d) Implementation of energy study -		
phase I	<u>1,874,000</u>	
Total paragraph II		2,579,000
III. Keene campus		
(a) Roof repairs	105,000*	
(b) Acquisition and development		
of athletic and recreational		
facilities	250,000	
(c) Land acquisition within campus		
master plan as available		
(non-lapsing)	<u>160,000</u>	
Total paragraph III		515,000
IV. Plymouth campus		
Roofing and other major repairs	75,000*	
Total paragraph IV		75,000
V. New Hampshire network		
(a) New channel 11 and		
Laconia transmitter (every		
effort shall be made to locate		
on existing state or university		
owned land)	2,170,000	
(b) Legal and regulatory fees	<u>40,000</u>	
Total paragraph V		2,210,000
Total section 2		\$ <u>5,459,000</u>
*To be 5 year bonds.		

3 Appropriation; Self-liquidating. The following sums are hereby appropriated for the purpose of constructing, furnishing and equipping housing and utilities at the university of New Hampshire system:

I. Keene campus - new residence halls	\$1,748,000*	
Furniture for new residence halls	<u>120,000**</u>	
Total paragraph I		1,868,000
II. Plymouth campus -		
Mary Lyon hall wiring replacement	<u>450,000*</u>	
Total paragraph II		450,000

*Construction and renovations on 30-year bonds. To be self-amortizing in accordance with RSA 187:10-a.

**Furnishings on 5-year note. To be self-amortizing in accordance with RSA 187:10-a.

Total section 3	\$ 2,318,000
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4 Newington Safety Facility. Amend 1978, 49:1, X, C. by striking out said subparagraph and inserting in place thereof the following:

C. Motor vehicle registration and	
operators licensing facility	
in Newington.	\$ 50,000

5 Bond Authorization; Newington Increase. Amend 1978, 49:7 as amended by 1979, 3:2 by striking out said section and inserting in place thereof the following:

49:7 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, V and 4, IV of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$17,584,334 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, provided, however, that the bonds issued pursuant to subparagraphs II, C; III, B and IV, C of section 2 of this act shall have a maturity date of 5 years from their date of issue.

6 Extension of Certain DRED Projects. All appropriations made by 1975, 504:1, X (b) and (d) as amended by 1978, 49:17, II which are to lapse on June 30, 1979 are hereby extended to June 30, 1980.

7 Extension of Certain N.H. Hospital Project. The appropriation made to the department of health and welfare, New Hampshire hospital in 1976, 55:4, I to reconstruct, renovate and equip the Brown building is hereby extended to June 30, 1980.

8 Pleasant View Project Extended. The appropriation made to the department of health and welfare, New Hampshire hospital by 1976, 55:4, III as amended by 1978, 49:16 for the Pleasant View Home is extended to June 30, 1980.

9 Rochester Airport Project. Amend 1978, 49:1, III, D (1) by striking out said subparagraph and inserting in place thereof the following:

(1) Rehabilitate runway and taxiway	10,400
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10 Berlin Wayside Area. The appropriation made to the department of resources and economic development, division of parks, for the Berlin wayside area by 1971, 559:1, VII (1) (b) as amended by 1974, 38:16 and 1978, 49:17, I shall not lapse until June 30, 1980.

11 Bear Brook Fire Warehouse. The appropriation made to the department of resources and economic development, for the fire equipment warehouse at Bear Brook park by 1975, 504:1, X (a) as amended by 1978, 49:17, II shall not lapse until June 30, 1980.

12 Land Acquisition Expenses; DRED. The appropriation made to the department of economic development for land acquisition by 1975, 504:1, X (c) as amended by 1978, 49:17, II shall not lapse until June 30, 1980.

13 Hampton Harbor Pier. The appropriation made to the department of resources and economic development for the pier and boating facilities in Hampton harbor by 1974, 50:4 as amended by 1978, 49:23 shall not lapse until June 30, 1980.

14 Lapse of Certain Fund Balances. The unencumbered balances appropriated by the following laws for the following projects are hereby lapsed to the general fund:

Laws	Project
I. 1975, 504:1, X (d)(5) as amended by 1978, 49:17, II	Berlin Nordic center (Account No. 920430-90)
II. 1975, 504:1, X (d)(8) as amended by 1978, 49:17, II	Cannon Tramway study (Account No. 920460-90)
III. 1975, 276:1	Sunapee Snowmaking (Account No. 920780-90)

15 Expenditures; General. The appropriation made for the purposes mentioned in section one of this act and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein, provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

16 Land Acquisition. Any land acquired under the appropriations made in section one except such land, if any, as may be acquired under the appropriation for the water resources board, shall be purchased by the commissioner of public works and highways with the approval of governor and council.

17 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2 and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$22,637,038 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purpose of paragraphs II D and E, III A, IV C (2), IV D (2), IV E (2), IV F (2), VI B (5), VII A, VII B (3), VIII B, IX F and G, and XV C of section one of this act shall have a maturity of 5 years from the date of issue; provided, further, that the bonds issued for the purpose of paragraphs I, II B, IV B (3) and (4), IV C (1), IV C (3) and (4), IV D (1), IV D (3) and (4), IV F (3) and (4), IV G (1), (2) and (3), VI A (4), VI B (6), (7), (8) and (9), VI C (1), IX A, X A, XI, and XIII C of section one of this act shall have a maturity of 10 years from the date of issue; and provided that the bonds issued for the purpose of paragraphs II C, IIIA and IV in section 2 of this act shall have a maturity of 5 years from the date of issue.

18 Payments. The payment of principal and interest on bonds and notes issued for the projects in sections 1, 2 and 3 shall be made when due from the general funds of the state; provided, however, that the payment of principal and interest on bonds issued for projects in paragraphs VIII, C and D and paragraph XV of section one shall be made from the highway fund.

19 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under section one of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 17 of this act shall be reduced by the same amount.

20 Transfers. The individual project appropriations, as provided in sections 1 and 2 of this act shall not be transferred or expended for any other purposes; provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section.

21 Reduction of Appropriations and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 2 and 3 of this act is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor shall be reduced by the same proportion as the proportion by which federal, local or other funds are reduced. The amount of bonding authorized by section 17 of this act shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

22 Expenditures, University of New Hampshire.

I. The appropriations made for the purposes mentioned in sections 2 and 3 and the sums available for these projects shall be expended by the trustees of the university of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. Availability of Appropriation. The appropriations made in sections 2 and 3 are available for all costs incidental to the erection, furnishing, and equipping of these facilities including the necessary extension of utilities and includes the cost of the services of architects, engineers, and other consultants of such kind and capacity as the university board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines, and include the cost of furnishing and equipping the facilities with moveable equipment and furnishings not affixed to the buildings, and which are not listed in the specifications approved for implementation of the construction plans. These monies shall be spent under the direction of the university board of trustees.

III. Rejection of Low Bids. If, in the judgment of the trustees of the university, just cause exists indicating the lowest bid shall be rejected, then the contract may be awarded to the next lowest bidder.

IV. Rejection of All Bids. The board of trustees of the university has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

23 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187:24, or appropriation in lieu thereof, for each fiscal year such sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of sections 2 and 3 of this act.

24 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.
Referred to Appropriations.

ENROLLED BILLS REPORT

HB 3, relating to the Connecticut River Atlantic Salmon Compact.

SB 41, relative to reserve requirements for banks.

Sen. Laurier Lamontagne
For the Committee

Their admittance having been approved by the Committee on Rules, Rep. French moved that, in accordance with the list in the possession of the Clerk, House Bills numbered 878 and 879 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 878, relative to pay raises and benefits for state employees. (Roberts of Bel. 4 et al) (Appropriations)

HB 879, relative to salary increases for university system of New Hampshire employees and making an appropriation therefor. (Roberts of Bel. 4 et al) (Appropriations)

SUSPENSION OF RULES

Rep. Tucker moved that the rules be so far suspended as to permit the Committee on Appropriations to hold public hearings on HB 878, relative to pay raises and benefits for state employees, HB 879, relative to salary increases for university system of New Hampshire employees and making an appropriation therefor, and HB 877, making appropriations for capital improvements, without the required 2-day notice in the Calendar.

Adopted by the necessary two-thirds.

The Subcommittee on Resolutions and Screening having approved their admittance, Reps. Lyons, James J. White and LaMott offered the following:

HOUSE RESOLUTION No. 23

on the death of
the Honorable Edward H. Enright

WHEREAS, we have learned with sorrow of the death of Edward H. Enright, a former Representative from Hooksett, and

WHEREAS, Representative Enright served diligently as a member of the House of Representatives for four terms, and

WHEREAS, he served his community faithfully and with efficiency, therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend our sympathy to his family, and be it further

RESOLVED, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote of silent prayer.

HOUSE RESOLUTION No. 24

on the death of
the Honorable Gladys L. Whipple

WHEREAS, we have learned with sorrow of the death of Gladys L. Whipple, a former Representative from Lebanon, and

WHEREAS, Representative Whipple served diligently as a member of the House of Representatives for six terms, and as vice chairman of the Grafton County Delegation for four terms, and

WHEREAS, she served her community faithfully and with efficiency, therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend our sympathy to her family, and be it further

RESOLVED, that a copy of these resolutions be transmitted to her family.

Unanimously adopted by a rising vote of silent prayer.

HOUSE RESOLUTION No. 25

on the death of
the Honorable David Peterson

WHEREAS, we have learned with sorrow of the death of David Peterson, a former Representative from Nashua, and

WHEREAS, Representative Peterson served diligently as a member of the House of Representatives in the 1955 Session, and

WHEREAS, he served his community faithfully and with efficiency, therefore be it

RESOLVED, that the members of the House of Representatives do hereby extend our sympathy to his family, and be it further

RESOLVED, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote of silent prayer.

The Subcommittee on Resolutions and Screening having approved its admittance, the Officers of the New Hampshire Order of Women Legislators, Reps. Helen Wilson, Nancy Proctor, Beverly Gage, Edna Pearl Parr, Gabrielle Gagnon, Ruth Griffin, Freda Smith and Donald Howard, offered the following:

HOUSE RESOLUTION NO. 26

congratulating
Rep. Theodora McAlpine Nardi

WHEREAS, it is always with pride that the House notes achievements of and honors bestowed upon its members, and

WHEREAS, Theodora McAlpine Nardi, the member from Ward 3 in Manchester, was awarded the Distinguished Alumni Award by the Alumni Association of her alma mater, Manhattanville College, and

WHEREAS, it was not only her efforts on behalf of Manhattanville as alumna, director and Fund Drive chairman, but also the same characteristics which have earned her the respect, and admiration of her fellow representatives; her concern for social justice for the poor, the elderly and the

disadvantaged; her dedication to the idea that government must be a vital force for the good of the individual, now therefore be it

RESOLVED, by the House of Representatives, in Regular Session convened, that the honor accorded our "Teddy" be duly recorded in the records of the General Court, and be it further

RESOLVED, that a suitable copy of these resolutions be prepared for presentation to Representative Nardi.

Adopted unanimously.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Wednesday, May 9 at 12:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 700, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1980 and June 30, 1981.

RECESS

Rep. French moved that the House adjourn.
Adopted.

HOUSE JOURNAL 34

Wednesday 9 May 79

(Rep. French in the Chair)

The House met at 12:30 p.m.

Prayer was offered by the House Chaplain, Rev. William L. Ouirk.

Let us pray:

Almighty and ever living God, we ask that we may find satisfaction, peace and the sense of accomplishment this day.

Give us a lively awareness of our responsibility to listen, as a sign of our faith in You and in each other.

May You give us a dedication in our lives to peace and the service of others.

God, our Father, we raise our hearts and minds to You and ask that You lend us Your help and hear our prayer. Amen.

Rep. Beard led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Sal Grasso, Close, John Winn, Hunt, Cotton, Fisher, Emile Boisvert, Guidi, Preston, Roy Davis, Jesse Davis, Gibbons, Peters, Morgan and Catherine-Ann Day, the day, illness.

Reps. Crotty, Baker, Rov, Allgeyer, Waters, Connors, Gary Dionne, Edward Smith, Sabhow, Mitchell, Wilfrid Boisvert, Neil McIver, Compagna, Maglaras, Gelinas, LoFranco, Levesque and Cahill, the day, important business.

Rep. Cecelia Winn, the day, illness in the family.

INTRODUCTION OF GUESTS

Margaret Birch, Pat Kirschberg and Dorothy Eckles, wife and guests of Rep. Birch; Members of the Medical Society Auxiliary (Mrs. Tenn, Mrs. Duval, Mrs. Murakami and Mrs. Macomber), guests of Rep. Spirou; and Mrs. Ann Korash, daughter of Rep. Vachon.

SENATE MESSAGES

REFERRED FOR INTERIM STUDY

HB 620, relative to bank closings.

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HCR 1, adopting Joint Rules for the 1979 sessions.

CONCURRENCE

HB 638, amending the definition of "emotionally handicapped" in RSA 186-A.

HB 729, amending the charter of New England College.

HB 804, relative to interstate cooperation concerning disposal of

containers and solid waste.

HB 781, relative to the Public Utilities Commission and its authority to contract for electrical power.

HB 646, relative to the New Hampshire state prison participating in the national interstate corrections compact.

HB 171, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 20 years.

Rep. Bosse requested a quorum count.
The Chair declared a quorum present.

COMMITTEE REPORTS (Regular Calendar)

HB 76, authorizing the appointment of certain personnel as deputy conservation officers. Ought to Pass with Amendment.
Unanimous vote of committee. Rep. John B. Tucker for Appropriations.

Amendment

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Qualifications of Deputy Conservation Officers. Amend RSA 206:27-b, IV (supp) as inserted by 1977, 255:1 by striking out said paragraph and inserting in place thereof the following:

IV. Between the ages of 21 years and 55 years of age; provided, however, retired personnel of the department of fish and game are exempted from the provisions of this paragraph.

3 Uniforms and Compensation for Deputy Conservation Officers. Amend RSA 206 by inserting after section 27-f the following new sections:

206:27-g Uniforms and Equipment. The executive director may provide for deputy conservation officer uniforms and equipment necessary in the performance of their duties, but all such property shall remain the property of the state. The executive director shall maintain an inventory of said property and shall charge against each member the value of the property issued to him. If it shall be determined by the executive director that any loss or destruction of such property was due to carelessness or neglect on the part of such member the value of such property shall be paid by such member and the amount thereof may be deducted from the compensation of such member.

206:27-h Compensation. All deputy conservation officers shall be compensated for their services while actively engaged in the performance of their official duties at rates as fixed by the executive director; provided, however, all deputy conservation officers shall serve 8 hours per month without compensation.

4 Workmen's Compensation. Amend RSA 206:27-d (supp) as inserted by 1977, 255:1 by striking out said section and inserting in place thereof the following:

206:27-d Workmen's Compensation. All deputy conservation officers who are engaged in official duties shall be considered state employees for the purpose of workmen's compensation for state employees under RSA

281:5 and 6. The coverage shall include those deputy conservation officers engaged in official duties who may not be compensated at the time of their mishap or injury.

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 87, relative to the grant-in-aid program of the bureau of off-highway recreational vehicles. Ought to Pass with Amendment.

Unanimous vote of committee. Rep. John B. Tucker for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the grant-in-aid program of the bureau of off highway recreational vehicles and the taxation of golf carts.

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Golf Carts; Taxation. Amend RSA 72:15, III as amended by striking out said paragraph and inserting in place thereof the following:

III. Vehicles. Vehicles in excess of the aggregate value of \$100; provided however, that motor vehicles, house trailers and all trailers and semi-trailers used in connection with a vehicle of the tractor type, snow traveling vehicles, farm trailers and golf carts, shall not be regarded as vehicles.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

(Speaker in the Chair)

Rep. French moved that debate be limited to 30 minutes equally divided, including questions.

Rep. Spirou spoke in favor of the motion. Adopted.

HB 136, relative to allowing a civil commission to be registered in a new name if the name is legally changed. Ought to Pass with Amendment.

Unanimous vote of committee. Removed fees which Secretary of State indicated he could absorb. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 5:10-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

5:10-a Commission; Change of Name. If a justice of the peace, notary public or commissioner changes his name, the secretary

of state shall, upon satisfactory proof of the authenticity of the change, replace the original name of the justice of the peace, notary public or commissioner with his new name. The justice of the peace, notary public or commissioner whose name has been changed and replaced on the commission by the secretary of state shall be allowed to perform his official duties under his new name for the remainder of his original appointed term.

Amendment adopted.

Ordered to third reading.

HB 153, relative to the acquisition of agricultural land development rights and making an appropriation therefor. Ought to Pass with Amendment.

The Committee agreed with the Committee on Environment and Agriculture on the importance of this legislation. The prepared amendment calls for the use of independent appraisals in the determination of the fair market value of agricultural land prior to the purchase of development rights. Also, the amendment assures that no proceeds from the lands sold for the purpose of this act, will be used for the operating expenses of the Agricultural Lands Preservation Committee. \$4,000 is appropriated for the Committee's operating expenses for the upcoming biennium. Future expenses and appropriations for this act shall be included in the budget for the Department of Agriculture. The Committee vote was unanimous. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 36-D:3, I (c) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(c) the fair market value of such land pursuant to RSA 75:1 and the fair market value of such land when used for agricultural purposes as determined by independent appraisals.

Amend RSA 36-D:13 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

36-D:13 Bonds. The state treasurer, upon request of the governor and council, shall issue and sell bonds designated as the agricultural land development rights acquisition outlay bond act of 1979 to meet the necessary expenditures for the acquisition of development rights in accordance with this chapter. No bond proceeds shall be used for the committee's operating expenses. The bonds may be sold at public or private sale and may be registered or with interest coupons attached as determined to be in the best interest of the state by the state treasurer. The amount of the issued bonds shall be specified by the governor and council from time to time, but the amount shall not exceed in the aggregate the sum of \$3,000,000. The bonds shall be on the serial payment plan for a maximum term of years, not exceeding 10 years, as the governor may recommend to the general

court. The state treasurer shall arrange the maturity of the bonds in a manner to ensure that the amounts shall be equally payable in the several years of the period of amortization other than in the final year. The bonds shall bear interest semiannually at a rate determined by the state treasurer and approved by the governor and council. The initial maturities of the bonds shall be payable not later than one year from the date of issue and the maturity date of the entire issue shall not be later than June 30, 1992.

Amendment adopted.

Ordered to third reading.

HB 157, concerning loans to medical and veterinary students. Ought to Pass.

Allows the state to make loans to both medical and veterinary students. Repayment shall be required. Unanimous vote of Committee. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 158, relative to reserving slots in veterinary and medical schools for New Hampshire residents. Ought to Pass.

This bill permits the reservation of slots for New Hampshire residents in medical and veterinary school by means of capitation payments. The money for this bill is contained in the budget. Unanimous vote of committee. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 201, reducing the road toll on motor fuel blends containing alcohol derived from agricultural commodities and forest products. Ought to Pass with Amendment.

Unanimous vote of committee. Rep. John B. Tucker for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

temporarily reducing the road toll on motor fuel blends containing alcohol derived from agricultural commodities and forest products.

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Temporary reduction of Road Toll for Motor Fuel Blends Containing Alcohol. Notwithstanding the provisions of RSA 265:4 and 265:4-a, from the effective date of this act through June 30, 1983, there shall be a reduction of \$.05 per gallon in the amount of the road toll imposed upon the sale of motor fuel which contains a minimum of 10 percent blend by volume of alcohol derived from agricultural commodities and forest products with purity of at least 99 percent alcohol manufactured in New Hampshire. Such blended fuel shall be considered motor fuel

as defined in RSA 265:2, II. The reduced road toll imposed upon blended fuel under this section shall be considered the same as all other road tolls in every other respect.

Amendment adopted.

Ordered to third reading.

HB 235, relative to rational development of new institutional health services. Ought to Pass with Amendment.

Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 151-C:2, XXV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

XXV. "Person" means an individual, trust, state, partnership, committee, corporation, non-profit health service corporation, association and other organizations such as joint-stock companies and insurance companies, or a political subdivision or instrumentality of a state, including a municipal corporation.

Amend RSA 151-C:14 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

151-C:14 Fees. Each application for a certificate of need shall be accompanied by a nonrefundable fee. Such fees shall not be less than \$100 nor more than one half of one percent of the total cost of the project to a maximum of \$1,000, as determined by the state agency. Application fees received by the state agency shall be transferred to the state treasurer.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Appropriation. There is hereby appropriated to the office of health planning and development for the performance of its health planning and regulatory functions under this act the sum of \$34,288 for the fiscal year ending June 30, 1980 and the sum of \$30,190 for the fiscal year ending June 30, 1981. Said sums are appropriated in addition to any other sums appropriated to the office of health planning and development. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. Said funds are appropriated for the following purposes:

	Fiscal Year
	1980
20 Current expenses	7,000
30 Equipment	1,470
59 Full-time temporary	7,231
60 Benefits	1,157
70 In-state travel	1,220
80 Out-of-state travel	3,000
90 Legal and consultant fees	10,500
99 Indirect costs	2,710
Total	\$34,288

Estimated Source of funds:

Federal funds	25,716
General fund	8,572
Total	\$34,288

Fiscal Year
1981

20	Current expenses	5,000
30	Equipment	200
59	Full-time temporary	7,499
60	Benefits	1,200
70	In-state travel	1,315
80	Out-of-state travel	2,000
90	Legal and consultant fees	10,500
99	Indirect costs	2,476
	Total	\$30,190

Estimated Source of funds:

Federal funds	22,643
General fund	7,547
Total	\$30,190

Amendment adopted.

Ordered to third reading.

HB 253, relative to requiring executive departments to keep organization charts and manuals. Ought to Pass with Amendment.

Unanimous vote of Committee. The amendment changes the requirement that state agencies shall update their organization chart and manual every six months to provide that such an update shall be made annually. The Committee vote was unanimous. Rep John B. Tucker for Appropriations.

Amendment

Amend RSA 541-A:2, I (e) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(e) file with the director of legislative services and update annually a complete organization chart with an accompanying manual.

Amendment adopted.

Ordered to third reading.

HB 261, relative to restructuring the public utilities commission and making an appropriation therefor. Ought to Pass with Amendment.

The Committee supports the concept of the bill as passed by the House. The amendment addresses three problems in the bill and corrects the appropriation accordingly. First, the amendment makes the provision that Commissioners be full-time employees effective at the beginning of each new term after January 1, 1979. This change was necessary so as not to change the rules in the midst of a Commissioner's term. The second change eliminates position of executive director. Since the existing position of executive secretary has been upgraded, retention of this position in the bill would result in a duplication. The third change deals with the salary of the commissioners. The amendment retains the salary of the commissioners at the present salary range. The Committee felt that a thorough review and adjustment of unclassified salaries had only recently been completed and that changes were not justified at this time. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 363:2 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

363:2 Present Commissioners. The members of the public utilities commission in office on August 1, 1979 shall continue in office as public utilities commissioners for the balance of their respective terms. Any member appointed prior to January 1, 1979 shall not be required to be a full-time employee and may engage in other gainful employment during his term of office.

Amend the bill by striking out all after section 5 and inserting in place thereof the following:

6 New Subdivision. Amend RSA 363 by inserting after section 25 the following new subdivision:

Support Personnel to Commission
363:26 Ombudsman.

I. There shall be an ombudsman who shall be appointed by the commissioners to serve in a full-time capacity.

II. The ombudsman shall investigate disputes between a customer and a regulated utility or complaints by a customer against a regulated utility. He shall report directly to the commissioners and perform any other customer related duties which the commissioners may assign.

III. The ombudsman shall receive the annual salary prescribed by RSA 99:1-a subject to state personnel regulations.

363:27 Staff; Separation of Functions.

I. In the exercise of the jurisdiction and performance of the duties prescribed by law, the commission shall have the power, subject to the state personnel regulations and within the limits of the appropriation for such purpose, to employ and fix the compensation of such regular staff, including experts, as it shall deem necessary. Should emergency require, it may in addition to the sums appropriated for its use by the legislature expend such further sums as the governor and council may approve, such further sums to be paid out of any money in the treasury not otherwise appropriated.

II. The staff of the commission shall be divided along functional lines. There shall be an advisory staff and an investigatory staff. The investigatory staff shall supply all the factual material, relative to each party at interest appearing before the authority, that the commissioners may require. The advisory staff shall supply all other material that the commissioners may require in order to reach and present the commission's decision on any matter before it. All records of the investigatory staff shall be public records subject to the provisions of RSA 91-A.

7 Appropriation. The following sums are hereby appropriated to the public utilities commission for the purposes of section 6 of this act.

Fiscal 1980

Permanent personal services	\$15,309
Benefits	2,450
	\$17,759

Estimated source of funds:*

Utility assessment tax	\$17,759
Total	17,759

Fiscal 1981

Permanent personal services	\$16,180
Benefits	2,589
	<u>\$18,769</u>

Estimated source of funds:*

Utility assessment tax	\$18,769
Total	18,769

*Other provisions of law notwithstanding, total expenditures of administration and support shall be assessed against the utilities.

8 Effective Date. This act shall take effect August 1, 1979.

Amendment adopted.

Ordered to third reading.

HB 266, authorizing the water supply and pollution control commission to implement the provision of RSA 146-A relative to oil spillage; establishing the New Hampshire oil pollution fund; and making an appropriation therefor. Ought to Pass.

Unanimous vote of committee. Establishes means and personnel to clean up oil spills and to research proper methods of prevention. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 274, providing an omnibus bill for revision to the statutes pertaining to transportation, motor vehicles and boating laws as requested by the department of safety. Ought to Pass.

Unanimous vote of Committee.

Implementation of audit recommendation as it relates to the Department of Safety. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 286, relative to improvements to the Salem liquor store and making an appropriation therefor. Ought to Pass with Amendment.

Unanimous vote of committee. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appropriation. The sum of \$10,100 is hereby appropriated for the purposes of section 1 for the fiscal year ending June 30, 1980. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

HB 306, relative to the monitoring of state government telephones to prevent excessive use. Ought to Pass with Amendment.

Unanimous vote of committee. Sets up study of phone services for Centrex

System. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 8:8, TX as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IX. Conduct a continuous study of the cost efficiency of all state owned or operated telephones by means of a monitoring system under which the length, source, destination and cost of state telephone communications will be recorded on a spot-check basis without interfering, recording or in any way interfering with the telephone calls themselves or the content of those calls in violation of RSA 570-A and report to the governor and council on the results of the study and suggestions for improving the telephone system. The director shall select the individual(s) to conduct this study. Said individual(s) shall receive no compensation but shall be reimbursed for expenses incurred.

Amend the bill by striking out section 2 and renumbering section 3 to read as ? .

Amendment adopted.

Ordered to third reading.

HB 309, authorizing the water supply and pollution control commission to employ additional assistant chief engineers. Ought to Pass with Amendment.

Unanimous vote of committee. Positions needed to carry on contract with the Environmental Protection Agency and clarifies the authority of counties to build sewers. Rep. John B. Tucker for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

authorizing the water supply and pollution control commission to employ additional assistant chief engineers and providing certain jurisdictional powers to counties in pollution control.

Amend section 5 of the bill by striking out same and inserting in place thereof the following:

5 County Jurisdiction. Amend RSA 23 by inserting after section 1 the following new section:

23:1-a Jurisdiction.

I. In addition to the powers conferred upon counties as set forth in RSA 23:1, each such county is hereby empowered to exercise full jurisdiction over the planning, construction, and operation of water supply, sewage collection, and treatment facilities and such other utilities as are essential to the proper maintenance of county buildings and the protection of the public health of the inhabitants of such institutions.

II. Each county is further empowered to exercise jurisdiction over the operation of water supply and sewage collection in

such areas adjacent to county buildings as are determined by the water supply and pollution control commission to be capable of being served cost effectively within the meaning of federal and state statutes, and which are not served or intended to be served by a municipal system.

6 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 357, increasing the legislative mileage allowance. Ought to Pass with Amendment.

The Committee agreed upon the need for an increase in legislative mileage due to the increased cost of travel. The committee amendment reduces the overall cost and provides a more equitable system for all legislators. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 14:15-a, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. A member of the general court shall be allowed mileage per mile of the round trip to and from his home to the state house in Concord each day of attendance at the following rates:

For the first 45 miles thereof, \$.38 per mile; and for all miles in excess of 45 miles, \$.19 per mile; provided that no member shall receive less than \$5 nor more than \$50.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Effective Date. This act shall take effect December 3, 1980.

Amendment adopted.

Ordered to third reading.

HB 367, relative to marriage license fees, establishing a human virus diagnostic laboratory in the division of public health services and making an appropriation therefor. Ought to Pass with Amendment.

The amendment merely removed the marriage license fee which was not necessary to fund the bill. Rep. John B. Tucker for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing a human virus diagnostic laboratory in the division of public health services and making an appropriation therefor

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Effective Date. This act shall take

effect July 1, 1979.

Amendment adopted.

Ordered to third reading.

HB 371, establishing a study committee to investigate the feasibility of separating the state retirement systems from the amount of social security received and making an appropriation therefor. Inexpedient to Legislate.

Unanimous vote of committee. A study of this issue is going to be completed by the Executive Departments and Administration Committee during the interim. HB 533 covers this issue and has been sent to interim study already. Therefore, the Committee felt that this legislation was unnecessary. Rep. John B. Tucker for Appropriations.

Resolution adopted.

HB 376, making an claim for a refund of road tolls due the city of Somersworth and the towns of Antrim, Bartlett, Raymond and Troy and making an appropriation therefor. Ought to Pass.

Unanimous vote of committee. This bill allows the road toll to be refunded to these towns, which failed to apply before the deadline. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 377, making an appropriation for the establishment of programs for industrial engineering technologists and computer engineering technologists. Recommended, but to be laid on table because not funded.

Rep. Hildreth moved that HB 377 be laid upon the Table.

Adopted.

HB 379, relative to the recovery of educational expenses from the school district where a patient's parent resides. Inexpedient to Legislate.

Committee felt the context of this bill was covered in other legislation.

Unanimous vote of the committee. Rep. John B. Tucker for Appropriations.

Resolution adopted.

HB 382, amending the workmen's compensation law and making an appropriation therefor. Ought to Pass with Amendment.

The Labor, Human Resources and Rehabilitation Committee has accepted the section of this bill relating to payment of workmen's compensation benefits. The Appropriations Committee endorses the sums appropriated which will be assessed as an administrative charge. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 281:51-a, III as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

III. Each carrier and self-insurer, including the state, shall make payments to

the fund of its pro rata share of one fiscal year's costs to be appropriated out of the fund. The governor is authorized to draw his warrant for any sum payable by the state under this paragraph out of any money in the treasury not otherwise appropriated. The pro rata share shall be computed on the basis which the total workmen's compensation benefits, including medical benefits, paid by each carrier and self-insurer bore to the total workmen's compensation benefits, including medical benefits, paid by all carriers and self-insurers in the fiscal year ending in the preceding calendar year; provided, however, that no carrier or self-insurer shall pay an assessment of less than \$100. The commissioner shall assess each carrier and self-insurer based on workmen's compensation benefits paid in 1978, including medical benefits, as soon as possible after the enactment of this section and each year thereafter no later than July 1. Total assessments shall not exceed \$250,000 in any fiscal year. The balance in the fund at the beginning of the new fiscal year shall proportionately reduce the assessments under this section. The labor commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, relative to the manner in which such payments are to be made.

Amend the bill by striking out section 12 and inserting in place thereof the following:

12 Appropriation. There is hereby appropriated to the workmen's compensation division, department of labor, the sum of \$58,579 for the fiscal year ending June 30, 1980 and the sum of \$59,840 for the fiscal year ending June 30, 1981. Said sums shall be expended as follows:

Fiscal Year	1980
Permanent personal services	\$ 40,403
Other personal services	1,100
Current expense	770
Equipment	1,820
Travel	
In State	1,025
Out of State	330
Fringe benefits	6,531
Medical consultant services	3,300
Other expenditures	3,300
(Computer Services)	
Total	\$ 58,579

Fiscal Year	1981
Permanent personal services	\$ 42,289
Other personal services	1,100
Current expense	880
Equipment	--
Travel	
In State	1,805
Out of State	330
Fringe benefits	6,836
Medical consultant services	3,300
Other expenditures	3,300
(Computer Services)	
Total	\$ 59,840

This appropriation shall be a charge against the fund established by RSA 281:51-a.

Amendment adopted.

Ordered to third reading.

HR 385, relative to establishing an industries revolving fund within the state prison. Ought to Pass with Amendment.

Unanimous vote of committee. The amendment to this bill establishes a prison industries fund, and complies with request of Comptroller and prison staff. Rep. John B. Tucker for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

establishing an industries inventory account within the state prison.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I Industries Inventory Account Established. Amend RSA 622 by inserting after section 28 the following new section: 622:28-a Industries Inventory Account.

I. An industries inventory account shall be maintained to enable the state prison to implement RSA 622:26 - 28. Except for permanent personnel, all operating expenses, materials, supplies, overtime and purchase and repair of equipment determined to be necessary for the growing or manufacture of products for resale shall be a proper charge against this account. Charges for the sale of goods and services produced by the industries program shall be sufficient to defray the expenditures charged against this account and any sums obtained therefrom shall be a credit to the account.

II. The state treasurer, upon presentation of manifests prepared by the state prison warden and certified by the comptroller, is authorized to pay for materials, supplies and equipment from any money in the treasury not otherwise appropriated.

III. The state prison warden shall prepare a monthly profit and loss statement and at the end of each fiscal year shall file a report with the comptroller in such format and containing such information as the comptroller shall require. The comptroller at the end of each fiscal year shall cause any profit which accrued during that year to lapse to the general fund.

IV. Upon the effective date of this act the state prison warden shall inventory all materials and supplies and manufactured products on hand and shall purchase same into the inventory account. The funds received shall be credited to the general fund.

V. All purchases of materials, supplies, and equipment into the inventory account shall be made in accordance with the provisions of RSA 8:19 and any equipment

purchase in excess of \$1,000 made under the provisions of this section shall require the prior approval of both the fiscal committee of the general court and the governor and council.

2 Effective Date. This act shall take effect July 1, 1980.

Amendment adopted.
Ordered to third reading.

HB 390, relative to state police salaries. Inexpedient to Legislate. Unanimous vote of committee. The Committee felt that this issue should be considered through collective bargaining rather than a legislative special. Rep. John B. Tucker for Appropriations.

Resolution adopted.

HB 391, relative to the recodification of the unemployment compensation laws. Ought to Pass with Amendment. Unanimous vote of committee. The Committee supports the bill as passed by the House. The amendment is a technical amendment dealing with the payment of mileage to non-legislative members of the oversight committee and the appropriation required for the payment of this mileage. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Committee Established. A 5-member oversight committee is hereby established to study and recodify the unemployment compensation laws of the state of New Hampshire. Said committee shall consist of 2 members appointed by the unemployment compensation advisory council, one representing the interests of employers and one representing the interests of employees; 2 members of the general court, one appointed by the speaker of the house and one appointed by the president of the senate; and one person appointed by the governor and council. The commissioner of the department of employment security may serve in an advisory capacity to the oversight committee. This committee may contract with any individual or institution to prepare the study and recodification within the limitation of the funds appropriated for this purpose. The committee shall have the study completed and the proposed recodification in bill form by November, 1980, for legislative action by the 1981 session of the general court. The nonlegislative members of the oversight committee shall be entitled to the same mileage as paid to state employees when performing duties in connection with the work of the committee. The legislative members shall be entitled to legislative mileage in connection with their duties on the committee.

3 Appropriation. The sum of \$2,000 is hereby appropriated for the biennium ending June 30, 1981 for purposes of this act. The governor is authorized to draw his warrant

for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.
Ordered to third reading.

HB 398, relative to the display of the declaration of independence and making an appropriation therefor. Ought to Pass. Unanimous vote of committee. Declaration of Independence display. Formal dedication July 4, 1979. Save the date. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 406, providing free access to interstate 95 and route 51 and making an appropriation therefor. Ought to Pass with Amendment.

Allows full access to I-95 at Route 51 for the next two years. Rep. John B. Tucker for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

providing free access to interstate 95 from route 51 on a trial basis.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Toll Charges Prohibited.

Notwithstanding the provisions of RSA 256:8 or any other laws to the contrary, tolls or other charges shall not be imposed on motor vehicles upon either ingress or egress from state route 51 to interstate route 95. The prohibition of charging tolls as provided by this section shall expire on June 30, 1981.

2 Department of Public Works and Highways. The department of public works and highways shall not make any changes to the ingress or egress roads to route 51 during the biennium ending June 30, 1981.

3 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.
Ordered to third reading.

HB 416, requiring a permit for those engaged in the business of designing or installing subsurface sewage or waste disposal systems under RSA 149-E and making an appropriation therefor. Ought to Pass. Unanimous vote of committee. This bill licenses designers and installers of septic systems which are under RSA 149. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 417, concerning permitted uses of school building aid. Ought to Pass. This appears to be an excellent use of building aid money, and overall there

may well be a decrease in the requests for these funds. Committee vote 19-0.
Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 420, relative to the purchase of liability insurance and workmen's compensation for harbor masters and authorizing a transfer of mooring permit fees to the port authority. Ought to Pass with Amendment.

Unanimous vote of committee. This bill allows the Harbormaster to be properly insured while on duty and also transfers the money for his pay from the Department of Resources and Economic Development to the Port Authority. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Transfers Authorized. Other provisions of the law notwithstanding, the comptroller is hereby authorized to transfer all appropriation balances made pursuant to 1977, 600:1 as at the effective date of this act from the department of resources and economic development to the New Hampshire state port authority as follows:

From:

- 1.03 Resources protection and development
- 03 Resources and economic development
- 01 Administration and support
- 07 Portsmouth fish pier
- 90 Harbormasters G
- 07 Mooring permits *

To:

- 1.04 Transportation
- 02 Port authority
- 90 Harbormasters G
- 07 Mooring permits *

*Excess revenue from mooring permits shall be transferred to the class 90 harbormasters appropriation and is hereby appropriated for the purposes of RSA 271-A:8. These funds shall be nonlapsing and shall not be transferred or expended for any other purpose.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 425, relative to mining and reclamation of mined lands. Ought to Pass with Amendment.

This bill as amended will provide safeguards and controls over the environment in the mining field. Unanimous vote of committee. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 17-F:4, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. Such mining permit shall include a mining plan, including blasting if such activities are anticipated, and a reclamation plan. Such permit shall be valid for a term of 3 years and, upon submission of a renewal permit application by the operator, shall be renewed 60 days prior to its expiration; provided, however, the commissioner determines that the operator has complied with the permit. The commissioner shall have the authority to modify a permit or renewal as he deems necessary consistent with regulations promulgated under this chapter. Renewal permits shall not be subject to public hearings under the provisions of RSA 12-F:5. There is no limit to the number of renewals that may be issued for each operation provided the commissioner determines the operator has continued to comply with the original permit.

Amend RSA 17-F:7, I (i) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(i) Insure that all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard are disposed of in a manner consistent with applicable state law designed to prevent contamination of ground or surface waters;

Amend RSA 17-E:9, III as inserted by section one of the bill by striking out same and inserting in place thereof the following:

III. The commissioner shall determine the terms of the leases, including the amount of acreage, duration of lease, rental cost, royalties and any conditions concerning extraction of minerals or reclamation of the leased land upon application for such lease by the prospector.

Amend RSA 17-E:11 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

12-E:11 Emergency Procedure. Whenever the commissioner finds that a violation of this chapter or the regulations promulgated hereunder exists and presents an immediate and substantial harm to the health, safety, or general welfare of the public or to the environment, he may order the operator to immediately halt the alleged violation. Service on the commissioner's findings and a copy of the order shall be made upon the operator by the sheriff or a deputy within the county where the operator maintains the mining operation affected by such order. The operator shall comply immediately. Said operator may apply to the commissioner for a hearing on such order, which shall be held within 2 working days after receipt of the request therefor, and shall be conducted pursuant to RSA 17-E:10.

Amend RSA 12-F:12, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. Any person who violates any provisions of this chapter or any lawful regulation or cease and desist order of the commissioner issued pursuant to this chapter, or any condition or limitation in a permit or amendment issued under this chapter or who shall fail, neglect or refuse to obey any order lawfully issued pursuant to this chapter shall be subject to a civil penalty not to exceed \$10,000 for each day this violation continues.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Appropriations. There is hereby appropriated to the department of resources and economic development for the purposes of this act the sum of \$20,000 for the biennium ending June 30, 1981. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

HB 430, establishing a fund for the purchase of works of art for state buildings and facilities. Ought to Pass.

Establishes a method of raising money to purchase art works for state buildings. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

Rep. Paul Riley notified the Clerk that he wished to be recorded against HB 430.

HB 433, relative to detective agencies and security services. Ought to Pass with Amendment.

Unanimous vote of committee. The Appropriations Committee agrees that those provided for in the bill should not be subject to the licensing procedures related to private detectives. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out section 2 and renumbering sections 3 and 4 to read as 2 and 3 respectively.

Amendment adopted.

Ordered to third reading.

HB 444, making a supplemental appropriation for food and nutrition services. Ought to Pass.

Unanimous vote of committee. This bill came to the Appropriations Committee as Ought to Pass and is needed in order not to jeopardize \$6 million in school funds. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 450, providing for the acquisition of certain dams and water rights by the water resources board and making an appropriation therefor. Ought to Pass with Amendment.

Unanimous vote of committee. This bill transfers dams from DRED to Water Resources and appropriates money for repair. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Dams and Water Rights; Acquisition Authorized. For a consideration of \$1 for each dam the New Hampshire water resources

board is hereby authorized to accept conveyance from the owners of the following described property for the purpose of improving and controlling certain water rights for the benefit of the state:

I. Dam known as Pisgah reservoir dam situated in the town of Winchester, water rights, land and other facilities connected therewith.

II. Dam known as Fullam pond dam situated in the town of Chesterfield, water rights, land and other facilities connected therewith.

III. Dam known as Bear Brook park dam situated in the town of Allenstown, water rights, land and other facilities connected therewith.

IV. Dam known as May pond dam situated in the town of Washington, water rights, land and other facilities connected therewith.

2 Repairs, etc. Said board after the acquisitions as authorized in section 1 of this act shall from time to time make repairs and modifications to said dams as so required or rebuild as the case may be so as to serve the interests of the state.

3 Tax Exemption. The properties hereby authorized in section 1 of this act to be acquired by the water resources board for the benefit of the state shall be exempt from taxation as long as said properties are held by the state.

4 Appropriation. The following sums are hereby appropriated for the biennium ending June 30, 1981, to be expended by the water resources board for repairs, modification or rebuilding of the dams:

I. \$150,000 for the dam at the Pisgah reservoir in the town of Winchester.

II. \$119,000 for the dam at Fullam pond in the town of Chesterfield.

III. \$183,000 for the dam at Bear Brook park in the town of Allenstown.

IV. \$125,000 for the dam at May Pond in the town of Washington.

5 Bonds Authorized. To provide funds for the appropriations in section 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$577,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Provided, however, that the bonds issued for the purpose herein shall have a maturity date of 5 years from the date of issue.

6 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Ordered to third reading.

HB 455, establishing a committee to recodify the motor vehicle laws (Title XXI) and making an appropriation therefor. Ought to Pass with Amendment.

Unanimous vote of committee. The Appropriations Committee endorses the concept of recodifying the motor vehicle laws and the amount appropriated to implement the bill. Rep. John B. Tucker for Appropriations.

Amendment

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Appropriation. The sum of \$10,000 is hereby appropriated for the biennium ending June 30, 1981, for the purpose of this act. This appropriation shall be a charge against the highway fund.

Amendment adopted.

Ordered to third reading.

HB 470, relative to the vending facilities of the blind services. Ought to Pass with Amendment.

Unanimous vote of committee. Exempts Franconia Park, Sunapee Park and Mt. Washington from RSA 186-B:13, VI-1975, 260:1. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 472, requiring the state to initially assume all the costs of educating certain foster children and making an appropriation therefor. Ought to Pass with Amendment.

This bill clarifies the fact that the state shall pay all costs of education and transportation for educational purposes of all handicapped and non-handicapped foster children brought into a school district for such foster care. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 198:27 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

198:27 Foster Children Brought in from Outside the School District. Notwithstanding any other provision of law to the contrary, the state of New Hampshire, through the department of health and welfare, shall pay all the costs of education and transportation for educational purposes of all handicapped or non-handicapped foster children brought into a school district for such foster care from any place that is not within such school district. The school district into which the child is placed for foster care shall bear none of such costs. The state shall have a right of action over for such expenses against the person chargeable by law for such a child's support and maintenance. Any sums so recovered shall be allocated to the general fund of the state. Any state payments for those children in foster care who remained in the same school district for foster care as they were in before placement in foster care shall be limited to what is payable pursuant to RSA 198:23 through 26 and to RSA 186-A and to

any other provision of law.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated for the purpose of section 1 of this act the sum of \$245,000 for the fiscal year ending June 30, 1980, and the sum of \$270,000 for the fiscal year ending June 30, 1981. If the sums appropriated above are insufficient and run out, payments for the purposes of section 1 of this act shall be made from any sums in the treasury not otherwise appropriated. The governor shall draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

HB 485, making an appropriation for the New Hampshire special olympics. Ought to Pass.

Unanimous vote of committee. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 493, to establish a permanent paramedic program at the New Hampshire Technical Institute. Ought to Pass with Amendment.

Unanimous vote of committee. A most worthwhile program which the Committee feels should be continued. \$65,000 of the total cost of \$227,294 will be from Federal funds. Rep. John B. Tucker for Appropriations.

Amendment

Amend section 2, paragraph I of the bill by striking out same and inserting in place thereof the following:

I. There is hereby appropriated to the New Hampshire Technical Institute for the purposes of this act the sum of \$110,041 for the fiscal year ending June 30, 1980 of which \$77,041 shall be derived from the general fund and \$33,000 shall be derived from federal funds and the sum of \$117,253 for the fiscal year ending June 30, 1981 of which \$82,253 shall be derived from the general fund and \$35,000 shall be derived from federal funds. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

HB 494, relative to the inspection of custom slaughter houses and making an appropriation therefor. Ought to Pass.

Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 513, relative to establishing standards for motorcycle driver education and training and making an appropriation therefor. Ought to Pass with Amendment.

Unanimous vote of committee. Rep. John B. Tucker for Appropriations.

Amendment

Amend section 5 of the bill by striking out same and inserting in place thereof the following:

5 Appropriation. The sum of \$35,732 for the fiscal year ending June 30, 1980, and the sum of \$27,000 for the fiscal year ending June 30, 1981, are hereby appropriated to the office of motorcycle education and training in the division of motor vehicles to establish a motorcycle driver education and safety training program. Said appropriations shall be a charge against the motorcycle driver education and safety account in the highway fund as established pursuant to RSA 261:26, I to be expended as follows:

Fiscal 1980

Personal Services	\$18,997
Benefits	3,040
Current Expenses	3,500
In-State Travel	400
Equipment	7,995
Total	<u>\$35,732</u>

Fiscal 1981

Personal Services	\$19,914
Benefits	3,186
Current Expenses	3,500
In-State Travel	400
Equipment	
Total	<u>\$27,000</u>

Amendment adopted.

Ordered to third reading.

HB 553, expanding the use of the forest improvement fund to include improvements to state parks. Ought to Pass.

Unanimous vote of committee. This allows for the sale of a property and use of the proceeds to improve State Park facilities for the handicapped. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 694, ensuring the payment of witnesses in criminal cases who are subpoenaed to testify on behalf of the state whether or not they testify. Ought to Pass.

Unanimous vote of committee. The Committee believes this to be a needed piece of legislation. Current law allows persons to be subpoenaed and appear to testify but, if for other reasons they do not actively testify, they would not receive their witness fee and mileage. This bill eliminates this discrepancy. Under the provisions of this bill, all witnesses who appear at court could receive their just compensation. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 719, establishing the hazardous material transportation advisory board. Ought to Pass.

Establishes a committee to receive, review and distribute information on all

hazardous material transportation. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 801, relative to the legislative historical committee. Ought to Pass with Amendment.

Unanimous vote of committee. This bill increases the size of the Legislative Historical Committee from 6 to 8 members and gives that Committee the authority to choose a Legislative Historian. The appropriation of \$8,000 allows the Committee to act upon various projects dealing with the history of the General Court such as the publication of the History of the Legislature and the restoration of many of the portraits in the State House. The committee amendment simply clarifies the appropriation mechanism. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Size of Committee; Authority to Choose Historian. Amend 1967, 379:20 by striking out said section and inserting in place thereof the following:

379:20 Committee Established. There is hereby established a committee of 8 members, composed of the president of the senate, the speaker of the house, the majority and minority leaders of the house and senate, one member appointed by the speaker of the house, and one member appointed by the president of the senate. The committee is authorized to name a legislative historian and compensate him in such manner as it shall determine. The committee shall research, record and publish the history, background, story, development, and achievements of the general court in such form as it may determine with the purpose in view of making available in convenient, interesting, and readable form to the people of the state and teachers and students this facet of the history of our state. There is hereby appropriated for the fiscal year ending June 30, 1980 the sum of \$8,000 which shall be non-lapsing to be expended by the committee to pay for the costs hereof including but not limited to the employment of clerical, research, consultant and expert personnel to assist the committee in carrying out the purposes for which it is hereby established. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. All state, county, city and town officers, agencies and departments are encouraged to cooperate fully with the committee in furnishing to it data, information and facts relative to the general court which come within their custody or knowledge in their official capacity.

Amendment adopted.

Ordered to third reading.

HB 802, relative to state purchase of the Upham-Walker house and making an

appropriation therefor. Ought to Pass with Amendment.

Unanimous vote of committee. Purchase of this property at this time will keep the State House complex complete. It also has a value for use as well as historic preservation. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Appropriation. The sum of \$285,000 is hereby appropriated for the purposes of acquisition of land and building, purchase of historical artifacts, renovations and equipment for the property described in section 1 of this act. This appropriation shall be non-lapsing and shall be reduced by any federal or other funds received for this purpose.

3 Bonds Authorized. To provide funds for the appropriations in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$285,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Provided, however, that the bonds issued for the purpose herein shall have a maturity date of 10 years from the date of issue.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.
Ordered to third reading.

SB 10, extending the capital appropriation for the Hayes building and increasing the authorization for the department of safety. Ought to Pass.

Unanimous vote of committee.
Supplements the appropriation in Chapter 49 for the State Police Garage as well as the State Police Sub-station and plate facilities at Keene. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

RECESS

A quorum count was requested.
The Speaker declared a quorum present.

COMMITTEE REPORTS (cont.)

HB 7, relative to the operation of state liquor stores on Sundays and making an appropriation therefor. Ought to Pass with Amendment.

Changes effective date and eliminates the appropriation for current fiscal year. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out sections 3 and 4 and inserting in place thereof the following:

3 Appropriation. The sum of \$60,030

for the fiscal year ending June 30, 1980 is hereby appropriated to the state liquor commission for the purpose of compensating the employees pursuant to section 1 of this act. This appropriation is in addition to any other funds appropriated to the state liquor commission. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Rep. O'Connor moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass with Amendment, and spoke to his motion.

Rep. Tucker spoke against the motion and yielded to questions.

Rep. Kidder yielded to questions.

Reps. Jean White, Ward and James J. White spoke against the motion.

The previous question was moved.

Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 114 NAYS 177

YFAS 114

BELKNAP: Bowler, Downs, Hildreth, Mansfield, Nighswander and Randall.

CARROLL: Roderick Allen, Chase, Howard and Towle.

CHESHIRE: Crane, Ladd, Lynch, Miller, Nims, O'Connor, Proctor, William Riley and Russell.

COOS: Brungot, Chappell, Bradley Haynes, Mayhew and Wiswell.

GRAFTON: Aldrich, George Cate, Chambers, Clark, Copenhaver, Crory, Michael King, Logan and Taffe.

HILLSBOROUGH: Burkush, Craig, Dolbec, Dreniak, Nancy Gagnon, Hall, Hendrick, Thomas Hynes, Nardi, Nemzoff-Berman, Pappas, Pastor, Plomaritis, Proulx, Peter Ramsey, Paul Ribley, Roy, Stylianos, Van Loan, Emma Wheeler and Zajdel.

MERRIMACK: Carroll, Daniell, Holliday, LaBranche, Ralph, Rice, Selway, Stio, Stokes and Rick Trombly.

ROCKINGHAM: Aeschliman, Blake, Blanchette, Butler, Marilyn Campbell, Carpenito, Collins, Patricia Cote, Ellyson, Flanagan, Beverly Gage, Greene, Griffin, Hartford, Jackson, Krasker, Landry, Lavcock, Lovejoy, Newell, Newman, Parolise, Pevear, Pucci, Rogers, Splaine, Vartanian, Warburton, Helen Wilson and Wojnowski.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Farnham, Joos, Lessard, Morrisette, Nadeau, Dennis Ramsev, Sackett, Schreiber, Donald Smith and Valley.

SULLIVAN: David Campbell, Cutting, D'Amante, Sim Gray, LeBrun, Spaulding and Williamson.

NAYS 177

BELKNAP: Beard, Birch, Bordeaux, French, Hanson, Matheson, Morin and Sanders.

CARROLL: Dickinson, Heath, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Baybutt, Callahan, Daniel Eaton, Eisengrein, Ernst, Galloway, Gordon, Kohl, Moore, Scranton, Vrakatitsis and Jean White.

COOS: Elmer Beaulac, Burns, Fortier, Guav, Horton, Oleson, Richardson, Theriault, Willey and York.

GRAFTON: Ira Allen, Buckman, Christy, Dearborn, Foster, LaMott, Low, Lowmes, McAvoy, Pepitone, Rounds, Seely, Thomson, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Archambault, Aubut, Bosse, Carswell, Yvette Chagnon, Corser, L. Penny Dion, Donovan, Beverly Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Granger, Hardy, Head, Heald, Howard Humphrey, Jamrog, Kaklamanos, Karnis, Keefe, Labombardé, Lefebvre, Lyons, Martineau, Mazur, McCarthy, McLaughlin, Murray, Odell, Aime Paradis, Perkins, Podles, Polak, David Ramsav, Record, Reidy, Sallada, Silva, Leonard Smith, Soucv, Stahl, Steiner, Francis Sullivan, Rock Tremblay, Vachon, Wallin, Eliot Ware, Weaver, Welch, Kenneth Wheeler, Robert Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, John Cate, Milton Cate, Clements, Epstein, James Humphrey, Kidder, Locke, Nichols, O'Neill, Paire, Randlett, Doris Riley, Shepard, Stockman, Trachy, Ernest Valliere, and Wiviott.

ROCKINGHAM: Appel, Bisbee, William Boucher, Robert Day, Joseph Flynn, Carl Gage, Hoar, Jones, Kane, Keenan, Roger King, Kozacka, Leslie, Joseph MacDonald, McEachern, Nelson, Pantelakos, Parr, Peterson, Quimby, Reese, Scamman, Schmidtchen, Schwaner, Skinner, Freda Smith, Stickney, Stimmell, Svtek, Tavitian, Tufts, Vlack and Wolfson.

STRAFFORD: Cannev, Gauvin, Gosselin, Hebert, Meader, Robinson, Tripp and Whitehead.

SULLIVAN: Edmund Belak, Brodeur, Burrows, Domini, Lucas, Palmer, Townsend, Tucker and Wiggins, and the motion lost.

Ordered to third reading.

HB 23, to establish a comprehensive public defender and assigned counsel. Ought to Pass.

Unanimous vote of committee. This bill changes the concept of the public defender program. At present the program operates in Hillsborough and Merrimack Counties. This bill would permit expansion to any area and allocation of cases in accordance with a plan to be adopted by the Judicial Council and a committee consisting of one lawyer from each county. Funding for this expanding program is included

in the operating budget in the amount of \$420,000 for fiscal year 1980 and \$450,000 for fiscal year 1981. The Committee concurs in the action taken previously in the House. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 135, establishing the position of therapeutic recreation specialist and making an appropriation therefor. Inexpedient to Legislate.

Unanimous vote of committee. The committee felt that the position was not wanted by the Commissioner and estimated funding was much too low to accomplish mission. Rep. John B. Tucker for Appropriations.

Rep. Tufts moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Miller, Guav, Williamson, Schwaner, Helen Wilson, Murray, Heald and Theriault spoke in favor of the motion.

Rep. LaMott spoke against the motion and yielded to questions.

Rep. Oleson spoke against the motion.

On a voice vote, the Speaker was in doubt and requested a division.

159 members having voted in the affirmative and 108 in the negative, the motion was adopted.

Question being on the adoption of the substituted committee report.

Ordered to third reading.

HB 278, limiting out-of-state travel expenses of legislators and their attaches. Inexpedient to Legislate.

This issue was addressed fully in the Committee's consideration of the budget. A limitation has been placed upon the out-of-state travel expenses of legislators within the legislative appropriation in HB 700 (pages 1-12). As a result, the Committee felt this legislation was unnecessary. The Committee vote was unanimous. Rep. John B. Tucker for Appropriations.

Rep. Daniell moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Lyons, Tucker and Lessard spoke against the motion.

Rep. Newman spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 68 NAYS 279
YEAS 68

REFKNAP: Bordeaux.

CARROLL: Roderick Allen and Towle.

CHESHIRE: Crane, Ernst, Matson, Nims, O'Connor and Jean White.

COOS: Bouchard, Mayhew, Richardson and Alcide Valliere.

GRAFTON: Aldrich, Christy, Low and Thomson.

HILLSBOROUGH: Aubut, Boyer, Burkush, Corser, Craig, Dreniak, Beverly Dupont, Hall, Hardy, Mulligan, Aime Paradis, Pastor, Proulx, Reidy, Silva, Stylianos, Vachon and Kennerb Wheeler.

MERRIMACK: Blakenev, Daniell, O'Neill, Ralph, Randlett, Shepard, Stio and Rick Trombly.

ROCKINGHAM: Blake, Dunfey, Elyson, Kashulines, Joseph MacDonald, Nelson, Newman, Pantelakos, Peterson, Pevear, Schwaner, Splaine and Warburton.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, James Herchek, Joos and Pine.

SULLIVAN: Edmund Belak, Brodeur, D'Amante, Sim Grav, LeBrun and Lucas.

NAYS 229

BELKNAP: Beard, Birch, Bowler, Downs, French, Hanson, Hildreth, Mansfield, Matheson, Morin, Nighswander, Randall and Sanders.

CARROLL: Chase, Dickinson, Heath, Howard and Keller.

CHESHIRE: Baybutt, Daniel Eaton, Eisengrein, Galloway, Gordon, Kohl, Ladd, Miller, Proctor, Margaret Ramsay, William Riley, Russell, Scranton and Vrakatisis.

COOS: Elmer Beaulac, Brungot, Burns, Chappell, Fortier, Guay, Bradley Haynes, Horton, Oleson, Theriault, Willey, Wiswell and York.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Copenhaver, Corry, Dearborn, Foster, Michael King, LaMott, Logan, Lowmes, Mann, McAvoy, Pepitone, Rounds, Seely, Taffe, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Archambault, Bosse, Carswell, Yvette Chagnon, Joseph Cote, L. Penny Dion, Dolbec, Donovan, Clyde Eaton, Joseph Eaton, Peter Flynn, Gabrielle Gagnon, Nancy Gagnon, Granger, Head, Heald, Hendrick, Howard Humphrey, Thomas Hynes, Jamrog, Kaklamanos, Karnis, Keefe, Lahombarde, Lefebvre, Armand Lemire, Roland Lemire, Lyons, Martineau, Mazur, McCarthy, Milton Meyers, Murray, Nardi, Nemzoff-Berman, Odell, Perkins, Plomaritis, Podles, Polak, David Ramsay, Peter Ramsey, Paul Riley, Roy, Sallada, Leonard Smith, Soucy, Steiner, Francis Sullivan, James Sullivan, Rock Tremblay, Van Loan, Wallace, Wallin, Eliot Ware, Weaver, Welch, Emma Wheeler, Robert Wheeler, James J. White, M. Arnold Wight and Zajdel.

MERRIMACK: Ayles, Bihho, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Clements, Epstein, Holliday, James Humphrey, Kidder, Locke, Nichols, Paire, Rice, Doris Riley, Selway, Gerald Smith, Stockman, Stokes, Trachy, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Bishee, Blanchette, William Boucher, Butler,

Carpenito, Collins, Patricia Cote, Felch, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gould, Greene, Griffin, Hartford, Hoar, Jackson, Kane, Keenan, Roger King, Kozacka, Krasker, Landry, Laycock, Lovejoy, McFachern, Newell, Parolise, Parr, Pucci, Quimby, Reese, Rogers, Scamman, Schmidtchen, Skinner, Freda Smith, Stickney, Stimmell, Sytek, Tavitian, Tufts, Vartanian, Vlack, Helen Wilson, Wojnowski and Woodman.

STRAFFORD: Canney, Farnham, Gauvin, Gosselin, Hebert, Dianne Herchek, Lessard, Meader, Morrisette, Madeau, Pray, Dennis Ramsey, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Vallev, Vaughan and Whitehead.

SULLIVAN: David Campbell, Cutting, Palmer, Spaulding, Townsend, Tucker and Williamson, and the motion lost.

Resolution adopted.

HB 365, relative to the additional highway subsidy. Ought to Pass with Amendment.

Unanimous vote of committee. This bill allows the towns and cities to accumulate this money from year to year without penalty. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 241:15 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

241:15 Additional Highway Subsidy. In addition to the subsidy provided in RSA 241:14, the commissioner shall apportion 60 percent of the supplementary road toll collected under RSA 265:4-a and RSA 265:22, I-a from August 1, 1977 to the cities, towns and unincorporated places beginning on January 1, 1978, as an additional highway subsidy. The additional amount shall be apportioned and paid in a manner consistent with and subject to the same restrictions as the provisions of RSA 241:14, provided that the commissioner may modify the procedures, as required, to administer this section, and further provided that said payments shall not be offset against the share of the other towns and unincorporated places of the supplemental road toll imposed by RSA 265:4-a and RSA 265:22, I-a. These additional highway subsidy funds shall be used only for the purpose of construction or reconstruction of class IV and class V highways and shall be used to increase the highway appropriation of the municipality as of 1977. Under no condition shall dollars received under this section be used for the purpose of matching to obtain additional state funds for other forms of highway aid.

Rep. James J. White spoke against the committee amendment and yielded to questions.

(Rep. French in the Chair)

Reps. Bihho and Parr spoke against the committee amendment.

Rep. LaMott spoke in favor of the committee amendment and yielded to questions.

Reps. Wolfson and Tucker spoke in favor of the committee amendment.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 100 NAYS 160
YEAS 100

BELKNAP: Beard, Bordeaux, French, Hanson and Sanders.

CARROLL: Howard and Towle.

CHESHIRE: Daniel Eaton, Ernst, Galloway, Johnson, Ladd, Miller, Moore, Nims, Margaret Ramsay and Scranton.

COOS: Horton, Oleson, Richardson, Willey, Wiswell and York.

GRAFTON: Buckman, Clark, LaMott, Mann, Pepitone, Rounds, Ward and Andrew Ware.

HILLSBOROUGH: Aubut, Bosse, Carswell, Yvette Chagnon, Dolbec, Donovan, Nancy Cagnon, Granger, Head, Heald, Thomas Hynes, Keefe, Lefebvre, Nardi, Odell, Perkins, Polak, David Ramsay, Roy, Francis Sullivan, James Sullivan, Vachon, Van Loan, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler and Zajdel.

MERRIMACK: Laurent Boucher, Carroll, Clements, Kidder, Paire, Shepard and Wiviott.

ROCKINGHAM: Aeschliman, Appel, Benton, Dunfev, Flanagan, Griffin, Hartford, Jones, Kane, Landry, McEachern, Nelson, Oumby, Reese, Tavitian, Helen Wilson and Wolfson.

STRAFFORD: Canney, Hebert, Lessard, Morrisette, Pray, Robinson, Sackett and Whitehead.

SULLIVAN: Edmund Belak, Burrows, Domini, Sim Gray, Lucas, Palmer, Spaulding, Townsend and Tucker.

NAYS 169

BELKNAP: Birch, Bowler, Downs, Mansfield, Matheson, Morin, Nighswander and Randall.

CARROLL: Chase, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Eisengrein, Gordon, Kohl, Lynch, Matson, O'Connor, William Riley, Russell, Vrakatisis and Jean White.

COOS: Elmer Beaulac, Brungot, Burns, Chappell, Fortier, Guay, Bradley Haynes and Theriault.

GRAFTON: Aldrich, Ira Allen, George Cate, Christy, Copenhaver, Crory, Dearborn, Foster, Michael King, Logan, Low, Lowmes, McAvoy, Seely, Snell, Taffe, Thomson and Walter.

HILLSBOROUGH: Archambault, Burkush, Corser, Joseph Cote, Craig, L. Pennv Dion, Joseph Eaton, Peter Flynn, Gabrielle Gagnon, Hall, Hardy, Healy, Hendrick, Howard Humphrey, Kaklamanos, Karnis, Armand Lemire, Roland Lemire, Lyons, Martineau, McCarthy, McLaughlin, Milton Meyers, Murray,

Nemzoff-Berman, Pappas, Pastor, Plomaritis, Podles, Proulx, Reidy, Paul Riley, Sallada, Silva, Soucy, Spiro, Steiner, Stylianos, Rock Tremblay, Welch, Robert Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Blakeney, John Cate, Milton Cate, Daniel, Epstein, Holliday, James Humphrey, LaBranche, Locke, Nichols, O'Neill, Packard, Ralph, Rice, Selway, Gerald Smith, Stio, Stockman, Stokes, Underwood and Ernest Valliere.

ROCKINGHAM: Bisbee, Blake, Blanchette, William Boucher, Butler, Collins, Patricia Cote, Robert Day, Ellyson, Felch, Joseph Flynn, Gould, Greene, Hoar, Kashulines, Roger King, Krasker, Lavcock, Leslie, Lovejoy, Joseph MacDonald, Newell, Newman, Parolise, Parr, Peterson, Pevear, Pucci, Rogers, Schmidtchen, Schwaner, Splaine, Stickney, Sytek, Vartanian, Vlack, Warburton and Woodman.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Gauvin, Gosselin, Meader, Nadeau, Pine, Dennis Ramsey, Schreiber, Tripp, Valley and Vaughan.

SULLIVAN: D'Amante, LeBrun and Williamson, and the committee amendment lost.

Ordered to third reading.

HB 375, relative to the sweepstakes commission's contributions to education. Inexpedient to Legislate.

Inasmuch as the House already has the right of review of the Sweepstakes Committee, the Committee felt that the bill as amended, when it came to it, was unnecessary. Rep. John B. Tucker for Appropriations.

Rep. Blakeney moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Scranton and Hanson spoke against the motion and yielded to questions.

Rep. Morin spoke in favor of the motion and yielded to questions.

Reps. Wiviott and Tucker spoke against the motion.

Rep. Ward spoke in favor of the motion. Motion lost.

Resolution adopted.

Rep. Lessard moved that HB 377 be removed from the table.

Adopted.

HB 377, making an appropriation for the establishment of programs for industrial engineering technologists and computer engineering technologists. Recommended to be laid on the table because not funded. Although the plan to establish these programs is completely endorsed by the Committee, the implementation is contingent upon a new multi-purpose building which apparently is not in the Capital budget. Rep. John Tucker for Appropriations.

Rep. M. Arnold Wight moved that HB 377 be referred to the Committee on Science and Technology for Interim Study, and spoke to his motion.

Rep. Tucker spoke in favor of the motion. Adopted.

Referred to the Committee on Science and Technology for Interim Study.

HB 392, relative to estimated road tolls for users of fuel other than motor fuel. Ought to Pass.

This bill allows for a more equitable contribution of road toll by diesel private car owners. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 405, extending benefits of the crippled children's program to certain adults with cystic fibrosis and making an appropriation therefor. Inexpedient to Legislate.

The Committee feels unjustified in creating "special funds" for specific illness treatment. The restriction placed on this appropriation does not allow for transfer to another account for another disease. Rep. John B. Tucker for Appropriations.

Rep. Collins moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Ronald Chagnon, Walter, Helen Wilson and Proulx spoke in favor of the motion.

Rep. Sackett spoke against the motion and yielded to questions.

Rep. Spaulding spoke in favor of the motion and yielded to questions.

Motion adopted.

Question being on the substituted committee report.

Ordered to third reading.

HB 465, to provide personal care attendant services for severely physically disabled persons. Inexpedient to Legislate.

The testimony showed only 10-20 persons would be affected by this bill. It was felt that appropriate service to aid them could be incorporated into existing local agencies. Rep. John B. Tucker for Appropriations.

Rep. Hildreth moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Sackett and Scranton spoke against the motion.

Rep. Epstein spoke in favor of the motion.

Rep. William Boucher spoke in favor of the motion and yielded to questions.

Rep. Chambers spoke to the motion.

Rep. Tucker spoke against the motion and yielded to questions.

On a voice vote, the Speaker was in doubt and requested a division.

144 members having voted in the affirmative, and 134 in the negative, the motion was adopted.

Question being on the substituted committee report, a division was requested.

151 members having voted in the affirmative and 129 in the negative, HB 465 was ordered to third reading.

HB 477, relative to agricultural encouragement within the state and making an appropriation therefor. Inexpedient to Legislate.

The Committee felt that the concept of the bill was already being provided for in HB 700. The bill as written would appropriate money to privately funded regional associations and the Committee felt this would set a precedent. There is presently money in the budget to accomplish the purpose of this bill. Committee vote was unanimous. Rep. John B. Tucker for Appropriations.

Rep. Rogers moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Rep. Morrisette spoke against the motion and yielded to questions.

Rep. Greene spoke in favor of the motion and yielded to questions.

Rep. Milton Cate spoke against the motion.

(Rep. French in the chair)

Reps. Belak and Margaret Ramsay spoke against the motion and yielded to questions.

Reps. Blakeney and Elmer Johnson spoke in favor of the motion.

Reps. Oleson, Hanson and Kidder spoke against the motion.

(Speaker in the chair)

Question being on the motion to substitute Ought to Pass.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 124 NAYS 170

YEAS 124

BELKNAP: Bowler, Hildreth, Randall and Sanders.

CARROLL: Roderick Allen, Chase and Kenneth Smith.

CHESHIRE: Johnson, Kohl, Ladd, Matson, Miller, O'Connor, Proctor, Russell and Vrakatisis.

COOS: Elmer Beaulac, Bouchard, Brungot, Chappell, Bradley Haynes, Horton, Mayhew, Richardson and Alcide Valliere.

GRAFTON: Aldrich, George Cate, Chambers, Copenhaver, Corry, Michael King, Low and Taffe.

HILLSBOROUGH: Burkush, Corser, L. Penny Dion, Joseph Eaton, Peter Flynn, Nancy Gagnon, Hall, Hardy, Head, Heald, Hendrick, Jamrog, Lefebvre, Milton Mevers, Mulligan, Aime Paradis, Plomatitis, Proulx, Peter Ramsey, Leonard Smith, Soucy, Stylianos,

Francis Sullivan, Rock Tremblay, Wallin, Robert Wheeler and James J. White.

MFERRIMACK: Blakeney, Bodi, Carroll, John Cate, Epstein, LaBranche, Packard, Randlett, Rice, Selway, Gerald Smith, Stio, Stokes, Trachy and Rick Trombly.

ROCKINGHAM: Appel, Bisbee, Blake, Blanchette, Butler, Collins, Dunfev, Carl Gage, Greene, Griffin, Hartford, Jackson, Kozacka, Krasker, Laycock, Joseph MacDonald, Nelson, Newman, Pantelakos, Peterson, Pevear, Quimby, Reese, Rogers, Splaine, Stimmell, Tavitian, Tufts, Warburton, Wojnowski, Wolfsen and Woodman.

STRAFFORD: Burchell, DeNafio, Dianne Herchek, James Herchek, Meader, Robinson, Schreiber, Valley, Vaughan and Whitehead.

SULLIVAN: Edmund Belak, Brodeur, Burrows, David Campbell, Sim Gray, LeBrun and Williamson.

NAYS 170

BELKNAP: Beard, Bordeau, Downs, French, Hanson, Mansfield, Matheson and Morin.

CARROLL: Heath, Howard, Keller, Kenneth MacDonald and Towle.

CHESHIRE: Baybutt, Ernst, Galloway, Gordon, Moore, Nims, Margaret Ramsay and Scranton.

COOS: Burns, Fortier, Guay, Oleson, Theriault, Willey, Wiswell and York.

GRAFTON: Ira Allen, Buckman, Christy, Clark, Dearborn, Foster, LaMott, Logan, Lowmes, Mann, McAvoy, Pepitone, Rounds, Seely, Snell, Thomson, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Archambault, Bosse, Carswell, Yvette Chagnon, Craig, Dolbec, Donovan, Drewniak, Beverly Dupont, Clyde Eaton, Granger, Howard Humphrey, Thomas Hynes, Karnis, Keefe, Labomharde, Armand Lemire, Roland Lemire, Lyons, Mazur, McCarthy, McLaughlin, Murray, Nardi, Nemzoff-Berman, Odell, Pappas, Pastor, Perkins, Podles, Polak, David Ramsay, Reidy, Paul Riley, Roy, Sallada, Silva, Steiner, James Sullivan, Vachon, Van Loan, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight and Zajdel.

MERRIMACK: Ayles, Bellerose, Bibbo, Laurent Boucher, Milton Cate, Clements, Daniell, Hill, Holliday, James Humphrey, Kidder, Locke, Nichols, O'Neill, Paire, Ralph, Doris Riley, William Roberts, Shepard, Stockman, Underwood, Ernest Valliere and Wiviott.

ROCKINGHAM: Aeschliman, William Boucher, Carpenito, Patricia Cote, Robert Day, Ellyson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Gould, Hoar, Jones, Kane, Kashulines, Roger King, Landry, Lovejoy, McEachern, Newell, Parolise, Parr, Pucci, Scamman, Schmidtchen, Schwaner, Skinner, Freda Smith, Stickney, Sytek, Vlack and Helen Wilson.

STRAFFORD: Canney, Ronald Chagnon, Farnham, Gauvin, Gosselin, Joos, Lessard, Morrisette, Pine, Prav, Sackett, Donald Smith and Tripp.

SULLIVAN: Cutting, Domini, Palmer, Spaulding, Townsend and Tucker, and the motion lost.

Question being on the committee report.
Resolution adopted.

HB 482, establishing procedures to review developments of regional impact and making an appropriation therefor. Ought to Pass.

This bill implements Regional Zoning and Planning Commissions to review and rule on all major projects. Rep. John B. Tucker for Appropriations.

Rep. Gosselin moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, spoke to his motion and yielded to questions.

Rep. Corser moved that HB 482 be made a Special Order for 2:00 p.m. on Thursday and spoke to his motion.

Reps. Green and Leonard Smith spoke in favor of the motion.

Reps. Tucker, James J. White and French spoke against the motion.

Rep. Guay moved the previous question. Sufficiently seconded. Adopted.

Motion lost.

Question being on the motion to substitute the words, Inexpedient to Legislate, for the committee report, Ought to Pass.

Reps. Aldrich, Newman and Pappas spoke in favor of the motion.

Reps. Kane and Corser spoke against the motion.

Rep. Greene spoke against the motion and yielded to questions.

A quorum count was requested.

The Speaker declared a quorum present.

Reps. Michael King and Bowler spoke against the motion.

Rep. Woodman spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

Rep. Rod Allen abstained from voting under Rule 16.

(Speaker presiding)

YEAS 210 NAYS 87

YEAS 210

BELKNAP: Downs, French, Matheson and Morin.

CARROLL: Chase, Heath, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Daniel Eaton, Galloway, Johnson, Kohl, Lynch, Moore, Nims, O'Connor, Scranton and Vrakatitsis.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Chappell, Fortier, Guay, Horton, George Lemire, Oleson, Richardson, Theriault, Willey and York.

GRAFTON: Aldrich, Ira Allen, Buckman, Christy, Clark, Dearborn, Foster, LaMott,

Logan, Low, Lowmes, Mann, McAvoy, Pepitone, Seely, Snell, Taffe, Thomson, Walter, Ward and Andrew Ware.

HILLSBOROUGH: Archambault, Burkush, Carswell, Yvette Chagnon, Joseph Cote, Craig, L. Penny Dion, Dolbec, Donovan, Drewniak, Beverly Dupont, Clyde Eaton, Joseph Eaton, Peter Flynn, Granger, Hardy, Heald, Healy, Howard Humphrey, Thomas Hynes, Jamrog, Kaklamanos, Karnis, Keefe, Labomharde, Lefebvre, Armand Lemire, Roland Lemire, Lvons, Mazur, McCarthy, McLaughlin, Milton Meyers, Mulligan, Murrav, Nardi, Nemzoff-Berman, Odell, Pappas, Pastor, Perkins, Podles, Polak, Proulx, Reidy, Roy, Sallada, Soucy, Steiner, Stylianos, James Sullivan, Rock Tremblay, Vachon, Van Loan, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, Milton Cate, Clements, Daniell, Fpstein, Hill, James Humphrey, LaBranche, Locke, Nichols, O'Neill, Packard, Ralph, Randlett, Doris Riley, William Roberts, Shepard, Gerald Smith, Stockman, Underwood and Ernest Valliere.

ROCKINGHAM: Appel, Bisbee, Blake, William Boucher, Carpenito, Collins, Patricia Cote, Robert Day, Dunfey, Ellyson, Felch, Flanagan, Joseph Flynn, Beverly Gage, Gould, Kashulines, Roger King, Landry, Lovejoy, McEachern, Nelson, Newell, Newman, Pantelakos, Parolise, Parr, Peterson, Scamman, Schmidtchen, Skinner, Freda Smith, Splaine, Stickney, Stimmell, Sytek, Tufts, Vlack, Warburton, Helen Wilson, Wolfsen and Woodman.

STRAFFORD: Canney, Ronald Chagnon, Farnham, Gauvin, Gosselin, James Herchek, Joos, Meader, Prav, Robinson, Tripp, Vaughan and Whitehead.

SULLIVAN: Brodeur, Burrows, David Campbell, Cutting, D'Amante, Domini, Sim Grav, LeBrun, Palmer, Spaulding and Williamson.

NAYS 87

BELKNAP: Beard, Bordeau, Bowler, Hanson, Hildreth, Mansfield, Randall and Sanders.

CARROLL: None.

CHESHIRE: Ernst, Gordon, Ladd, Matson, Miller, Proctor, Margaret Ramsay, William Riley and Russell.

COOS: Bradley Haynes, Mayhew, Alcide Valliere and Wiswell.

GRAFTON: George Cate, Chambers, Copenhagen, Crory, Michael King and Rounds.

HILLSBOROUGH: Bosse, Corser, Nancy Cagnon, Hall, Head, Hendrick, Morrison, Plomaritis, David Ramsay, Peter Ramsey, Leonard Smith, Wallin and M. Arnold Wight.

MERRIMACK: Blakeney, Carroll, John Cate, Holliday, Kidder, Rice, Selway, Stio, Stokes, Trachv, Rick Trombly and Wiviott.

ROCKINGHAM: Aeschliman, Benton, Blanchette, Butler, Carl Gage, Greene, Griffin, Hartford, Hoar, Jackson, Jones, Kane, Kozacka, Krasker, Lavcock, Leslie, Joseph MacDonald, Pevear, Quimby, Rogers, Tavitian and Wojnowski.

STRAFFORD: Burchell, Dianne Herchek, Lessard, Morrisette, Pine, Sackett, Schreier, Donald Smith and Vallev.

SULLIVAN: Edmund Belak, Lucas, Townsend and Tucker, and the motion was adopted.

Question being on the adoption of the substituted committee report.

Resolution adopted.

HB 505, establishing a state equal employment opportunity office. Ought to Pass with Amendment.

This bill establishes an office of equal employment opportunity which shall be responsible for developing and implementing equal employment opportunity plans for all departments and agencies of the State. The office shall be reviewed by the Legislature in 5 years for obsolescence. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 354-B:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

354-B:2 Department Officers. The head of each department, agency, board or commission or other instrumentality of the executive branch employing 4 or more persons shall appoint, subject to the approval of the state equal employment opportunity officer, at least one individual as equal employment opportunity officer for the department, agency, board, or commission or other instrumentality, to report to and support the state equal employment opportunity officer in performing his duties.

Amend the introductory paragraph of RSA 354-B:3 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

354-B:3 Equal Employment Opportunity Plan. The governor and the head of each state department, agency, board or commission or other instrumentality, shall within 120 days after the effective date of this chapter, and annually thereafter, submit to the state equal employment opportunity officer, a plan for assuring equal employment opportunity for women, men, minorities and handicapped individuals. This plan shall include a current detailed status report:

Amend RSA 354-B:3, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. Identifying all positions in which the percentages of women, men, minorities and handicapped employed is less than the percentage of women, men, minorities and handicapped individuals in similar positions in the general work force of the state;

Amendment adopted.

Ordered to third reading.

HB 755, prohibiting state funding of abortions. Inexpedient to Legislate.

This bill provides that no state or federal money be paid for abortions. Testimony was that inclusion of federal money would result in loss of federal funds for all health programs. Rep. John B. Tucker for Appropriations.

Rep. Schwaner moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Reps. Willey and Sackett spoke against the motion.

Reps. Granger and Elmer Johnson spoke in favor of the motion.

Rep. James J. White moved that HB 755 be laid upon the table.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)
YEAS 172 NAYS 109
YEAS 172

BELKNAP: Bordeaux, Bowler, French, Hanson, Hildreth, Mansfield, Matheson, Morin, Randall and Sanders.

CARROLL: Chase, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Daniel Eaton, Ernst, Gordon, Kohl, Ladd, Lynch, Moore, Margaret Ramsay, Scranton and Vrakatitsis.

COOS: Elmer Beaulac, Bouchard, Brungot, Burns, Chappell, Fortier, Bradley Haynes, Mayhew, Richardson, Willey, Wiswell and York.

GRAFTON: Aldrich, Ira Allen, Chambers, Copenhagen, Dearborn, LaMott, Lowmes, Mann, Pepitone, Rounds, Seely, Taffe, Ward and Andrew Ware.

HILLSBOROUGH: Archambault, Burkush, Yvette Chagnon, Corser, L. Penny Dion, Drewniak, Beverly Dupont, Clyde Eaton, Hall, Head, Heald, Hendrick, Howard Humphrey, Thomas Hynes, Kalamianos, Karnis, Keefe, Roland Lemire, Mazur, McLaughlin, Morrison, Nemzoff-Berman, Odell, Pappas, Pastor, Perkins, Plomaritis, Polak, Peter Ramsey, Reidy, Roy, Sallada, Soucv, Spirou, Steiner, Vachon, Van Loan, Wallin, Welch, Kenneth Wheeler, Robert Wheeler, James J. White, M. Arnold Wight and Zajdel.

MERRIMACK: Ayles, Blakeney, Laurent Boucher, Carroll, John Cate, Milton Cate, Daniell, Epstein, Holliday, James Humphrey, Kidder, Nichols, Packard, Rice, Selway, Gerald Smith, Stokes, Trachy, Underwood and Wiviott.

ROCKINGHAM: Aeschliman, Bisbee, Blanchette, William Boucher, Carpenito, Collins, Patricia Cote, Robert Day, Dunfev, Flanagan, Joseph Flynn, Beverly Gage, Carl Gage, Gould, Greene, Hoar, Jackson, Jones, Kane, Kozacka, Krasker, Landry, Leslie, Lovejoy, McEachern, Nelson, Pantelakos, Parolise, Pevear, Pucci, Quimby, Rogers, Schmidtchen, Skinner, Freda Smith, Stickney, Stimmell, Wojnowski and Wolfson.

STRAFFORD: Burchell, Gosselin, James Herchek, Lessard, Meader, Morrisette, Pray, Robinson, Sackett, Donald Smith and Valley.

SULLIVAN: Brodeur, David Campbell, Domini, Sim Gray, Palmer, Spaulding, Townsend, Tucker and Williamson.

NAYS 109

BELKNAP: Downs.

CARROLL: Roderick Allen, Heath, Howard, Keller and Towle.

CHESHIRE: Bayhutt, Callahan, Galloway, Johnson, Miller, Nims, O'Connor, Proctor, William Riley and Russell.

COOS: Guay, Horton, Oleson, Theriault and Alcide Valliere.

GRAFTON: Buckman, George Cate, Christy, Clark, Foster, Logan, Low, McAvoy, Snell, Thomson and Walter.

HILLSBOROUGH: Rosse, Carswell, Joseph Cote, Craig, Dolbec, Donovan, Joseph Eaton, Peter Flynn, Nancy Gagnon, Granger, Hardy, Healy, Jamrog, Labombarde, Lefebvre, Armand Lemire, Lyons, McCarthy, Milton Meyers, Murray, Nardi, Podles, Proulx, David Ramsay, Stylianos, James Sullivan, Rock Tremblay, Eliot Ware, Weaver and Emma Wheeler.

MERRIMACK: Bellerose, Bibbo, Clements, Hill, LaBranche, Locke, Ralph, Randlett, Doris Riley, William Roberts, Shepard, Stio, Stockman, Rick Trombly and Ernest Valliere.

ROCKINGHAM: Appel, Benton, Blake, Butler, Ellyson, Hartford, Kashulines, Roger King, Lavcock, Newell, Parr, Peterson, Schwaner, Splaine, Sytek, Tavitian, Tufts, Vlack, Warburton and Helen Wilson.

STRAFFORD: Ronald Chagnon, Farnham, Gauvin, Joos, Pine, Schreiber, Tripp and Whitehead.

SULLIVAN: Burrows, Cutting, D'Amante and LeBrun, and HB 755 was laid upon the table.

HB 845, establishing the office of ombudsman. Inexpedient to Legislate. Authority granted to ombudsman in this bill is greater than the present authority of the Attorney General, the State's leading law enforcement officer. Unanimous vote of committee. Rep. John B. Tucker for Appropriations.

Rep. Vrakatitsis moved that the words, Refer to the Committee on Executive Departments and Administration for Interim Study, be substituted for the committee report, Inexpedient to Legislate, and spoke to her motion.

Rep. Tucker spoke in favor of the motion. Adopted.

Referred to the Committee on Executive Departments and Administration for Interim Study.

SENATE MESSAGES
NONCONCURRENCE

HB 193, placing a public member on the state board of registration of funeral directors and embalmers.

CONCURRENCE

HB 542, providing for the defense and indemnification of county officers and employees against certain claims.

HB 372, requiring all commercial eating establishments or places where food is served to post in a conspicuous place a graphic display of the Heimlich or similar maneuver.

HB 566, removing restrictions on the sale of prison products on the open market.

HB 304, regulating the crossing of public utilities lines over railroad property.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 210, relative to the law library and the supreme court. (State Institutions)

ENROLLED BILLS REPORT

HB 112, authorizing the fish and game commission to set the deer season.

Sen. Laurier Lamontagne
For the Committee

UNANIMOUS CONSENT

Rep. Tucker addressed the House under unanimous consent.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Thursday, May 10 at 12:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 7, relative to the operation of state liquor stores on Sundays and making an appropriation therefor.

HB 23, to establish a comprehensive public defender and assigned counsel.

HB 26, authorizing the appointment of certain personnel as deputy conservation officers.

HB 87, relative to the grant-in-aid program of the bureau of off highway recreational vehicles and the taxation of golf carts.

HB 135, establishing the position of therapeutic recreation specialist and making an appropriation therefor.

HB 136, relative to allowing a civil commission to be registered in a new name if the name is legally changed.

HB 153, relative to the acquisition of agricultural land development rights and making an appropriation therefor.

HB 157, concerning loans to medical and veterinary students.

HB 158, relative to reserving slots in veterinary and medical schools for New Hampshire residents.

HR 201, temporarily reducing the road toll on motor fuel blends containing alcohol derived from agricultural commodities and forest products.

HR 235, relative to rational development of new institutional health services.

HB 253, relative to requiring executive departments to keep organization charts and manuals.

HB 261, relative to restructuring the public utilities commission and making an appropriation therefor.

HB 266, authorizing the water supply and pollution control commission to implement the provision of RSA 146-A relative to oil spillage; establishing the New Hampshire oil pollution fund; and making an appropriation therefor.

HB 274, providing an omnibus bill for revision to the statutes pertaining to transportation, motor vehicles and boating laws as requested by the department of safety.

HB 286, relative to improvements to the Salem liquor store and making an appropriation therefor.

HB 306, relative to the monitoring of state government telephones to prevent excessive use.

HB 309, authorizing the water supply and pollution control commission to employ additional assistant chief engineers and providing certain jurisdictional powers to counties in pollution control.

HB 357, increasing the legislative mileage allowance.

HB 365, relative to the additional highway subsidy.

HB 367, establishing a human virus diagnostic laboratory in the division of public health services and making an appropriation therefor.

HB 376, making a claim for a refund of road tolls due the city of Somersworth and the towns of Antrim, Bartlett, Raymond and Troy and making an appropriation therefor.

HB 382, amending the workmen's compensation law and making an appropriation therefor.

HB 385, establishing an industries inventory account within the state prison.

HB 391, relative to the recodification of the unemployment compensation laws.

HB 392, relative to estimated road tolls for users of fuel other than motor fuel.

HB 398, relative to the display of the declaration of independence and making an appropriation therefor.

HB 405, extending benefits of the crippled children's program to certain adults with cystic fibrosis and making an appropriation therefor.

HB 406, providing free access to interstate 95 from route 51 on a trial basis.

HB 416, requiring a permit for those engaged in the business of designing or installing subsurface sewage or waste

disposal systems under RSA 149-E and making an appropriation therefor.

HB 417, concerning permitted uses of school building aid.

HB 420, relative to the purchase of liability insurance and workmen's compensation for harbor masters and authorizing a transfer of mooring permit fees to the port authority.

HB 425, relative to mining and reclamation of mined lands.

HB 430, establishing a fund for the purchase of works of art for state buildings and facilities.

HB 433, relative to detective agencies and security services.

HB 444, making a supplemental appropriation for food and nutrition services.

HB 450, providing for the acquisition of certain dams and water rights by the water resources board and making appropriations therefor.

HB 455, establishing a committee to recodify the motor vehicle laws (Title XXI) and making an appropriation therefor.

HB 465, to provide personal care attendant services for severely physically disabled persons.

HB 470, relative to the vending facilities of the blind services.

HB 472, requiring the state to initially assume all the costs of educating certain foster children and making an appropriation therefor.

HB 485, making an appropriation for the New Hampshire special olympics.

HB 493, to establish a permanent paramedic program at the New Hampshire Technical Institute.

HB 494, relative to the inspection of custom slaughter houses and making an appropriation therefor.

HB 505, establishing a state equal employment opportunity office.

HB 513, relative to establishing standards for motorcycle driver education and training and making an appropriation therefor.

HB 553, expanding the use of the forest improvement fund to include improvements to state parks.

HB 694, ensuring the payment of witnesses in criminal cases who are subpoenaed to testify on behalf of the state whether or not they testify.

HB 719, establishing the hazardous material transportation advisory board.

HB 801, relative to the legislative historical committee.

HB 802, relative to state purchase of the Upham-Walker house and making an appropriation therefor.

SB 10, extending the capital appropriation for the Haves building and increasing the authorization for the department of safety.

RECESS

Rep. French moved that the House adjourn.
Adopted.

HOUSE JOURNAL 35

Thursday 10 May 79

The House met at 12:30 p.m.

(Rep. French in the Chair)

Prayer was offered by the House
Chaplain, Rev. William L. Ouirk.

Let us pray:

Almighty and eternal Father, arouse in
the hearts of all of us who call upon You a
hunger and thirst for justice and fraternal
charity in our words and deeds.

We ask that You protect us who
trustingly call on Your name.

Kindly look on and bless the
grandmothers, mothers and wives of our
membership as we draw near that day when all
mothers are honored by their special day.

Assure us all of Your protection in the
labor we perform and watch over us
faithfully all the days of our lives. Amen.

Rep. Gould led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Sal Grasso, Close, John Winn,
Hunt, Cotton, Fisher, Guidi, Emile Boisvert,
Peters, Roy Davis, Preston and Crane, the
day, illness.

Reps. Randall, Cahill, Lefebvre, Wilfrid
Boisvert, LoFranco, Crotty, Maglaras, Taffe,
Eisengrein, Willey, Brack, Tufts, Wiviott,
William Boucher, McIver and Rice, the day,
important business.

Rep. Walter, the day, death in the
family.

Rep. Cecelia Winn, illness in the family.

INTRODUCTION OF GUESTS

Mr. Rudy VanVeghten, editor, and Mr.
Robert Keren, reporter for the Meredith
News, guests of Rep. French.

Rep. Spirou requested a quorum count.
The Chair declared a quorum present.

COMMITTEE REPORTS (Regular Calendar)

HB 60, increasing the discount in sales
of liquor and wine to on-sale licenses.
Ought to Pass.

The Committee supports the bill as
passed by the House. Rep. John B.
Tucker for Appropriations.

Ordered to third reading.

HB 245, relative to commissions on
pari-mutuel wagering pools, and taxes
thereon. Ought to Pass with Amendment.
This bill changes the formula used to
assess the State's share on pari-mutuel
pools at dog tracks and horse tracks.
This will help the tracks become more

competitive in the racing world. The
amendment simply states that the house
committees on Ways and Means and
Regulated Revenues shall jointly review
the financial aspects of this act and
shall issue a joint committee report on
same to the House of Representatives on
January 1, 1981. Unanimous vote of
Committee. Rep. John B. Tucker for
Appropriations.

Amendment

Amend the bill by striking out section 5
and inserting in place thereof the following:

5 Financial Report. The house
committees on ways and means and regulated
revenues shall jointly assess, monitor and
analyze the financial aspects of this act
and shall issue a joint committee report on
same to the house of representatives on
January 1, 1981. Staff support for such
report shall be provided by the office of
the legislative budget assistant.

6 Effective Date. This act shall take
effect upon its passage.

Amendment adopted.

Ordered to third reading.

Rep. Willey wished to be recorded in
favor of HB 245.

HB 380, providing full credit to group 1
members of the New Hampshire retirement
system for all service rendered after July
1, 1979. Ought to Pass with Amendment.

Unanimous vote of Committee. There are
no changes in this bill. The amendment
specifies the cost of the increased
benefit and identifies the source of
funds. Rep. John B. Tucker for
Appropriations.

Amendment

Amend the bill by striking out all after
section 2 and inserting in place thereof the
following:

3 Member Contributions. Amend the
table in RSA 100-A:16, I (a) (supp) as
inserted by 1967, 134:1 as amended by
striking out same and inserting in place
thereof the following:

Employees.....	9.20
Teachers.....	9.20
Permanent Policemen.....	9.30
Permanent Firemen.....	9.30

4 Normal Contribution Rate. From
August 1, 1979 until the next actuarial
valuation the percentage normal contribution
rate determined by the board of trustees of
the New Hampshire retirement system under
RSA 100-A:16, II (d) shall be increased by
.05 percent for teacher members and .08
percent for employee members.

5 Appropriation. There is hereby
appropriated to the New Hampshire retirement
system the sum of \$25,197 for the fiscal
year ending June 30, 1980 and the sum of
\$27,214 for the fiscal year ending June 30,
1981 for amounts required to be contributed
by the state under RSA 100-A:16, II (c) as
increased by section 2 of this act. The
governor is authorized to draw his warrant

for said sums out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Ordered to third reading.

Rep. Willey wished to be recorded in favor of HB 380.

HB 389, relative to certain annuities in the New Hampshire retirement system and making an appropriation therefor. Ought to Pass with Amendment.

Unanimous vote of Committee. The amendment gives an additional cost of living adjustment to our retirees. The bill also follows the pattern of a similar bill passed in 1977-1978. This is a fair and equitable bill. Rep. John B. Tucker for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

providing cost of living increases for retired members of New Hampshire retirement systems and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Cost of Living Increase. Amend RSA 100-A:42-b, II (supp) as inserted by 1977, 528:1 by striking out said paragraph and inserting in place thereof the following:
II.

Employees	Date of Retirement	Retirement System	Percent Increase Payable
(a) Teachers	July, 1957-June, 1961	RSA 192	36
(b) Teachers	July, 1961-Dec., 1967	RSA 192	26
(c) Teachers	Jan., 1968-Sept., 1975	RSA 192	17
(d) Teachers	Jan., 1968-Sept., 1975	RSA 100-A	17
(e) Teachers	Oct., 1975-June, 1977	RSA 100-A	5
(f) Firemen	Prior to July, 1961	RSA 102	36
(g) Firemen	July, 1961-Dec., 1967	RSA 102	26
(h) Firemen	Jan., 1968-Sept., 1975	RSA 102	17
(i) Firemen	Jan., 1968-Sept., 1975	RSA 100-A	17
(j) Firemen	Oct., 1975-June, 1977	RSA 100-A	5
(k) Firemen	Oct., 1975-June, 1977	RSA 102	5
(l) Policemen (Muni. & State)	Prior to July, 1961	RSA 103	36
(m) Policemen (Muni. & State)	July, 1961-Dec., 1967	RSA 103	26
(n) Policemen (Muni. & State)	Jan., 1968-Sept., 1975	RSA 103	17
(o) Policemen (Muni. & State)	Jan., 1968-Sept., 1975	RSA 100-A	17
(p) Policemen (Muni. & State)	Oct., 1975-June, 1977	RSA 100-A	5
(q) Policemen (Muni. & State)	Oct., 1975-June, 1977	RSA 103	5
(r) State & Muni. Employees	Prior to July, 1961	RSA 100	36
(s) State & Muni. Employees	July, 1961-Dec., 1967	RSA 100	26
(t) State & Muni. Employees	Jan., 1968-Sept., 1975	RSA 100	17
(u) State & Muni. Employees	Jan., 1968-Sept., 1975	RSA 100-A	17
(v) State & Muni. Employees	Oct., 1975-June, 1977	RSA 100-A	5

1 and 6 and renumbering sections 2, 3, 4, 5, and 7 as 1, 2, 3, 4, and 5 respectively.

Amendment adopted.

Ordered to third reading.

HB 462, relative to public guardians, and making an appropriation therefor. Ought to Pass with Amendment.

Unanimous vote of committee. A very important piece of legislation, HB 462 is especially necessary to handle the large caseload of releases from the New Hampshire Hospital and Laconia State School. The amendment inserts "public guardians" into a list of unclassified salaries, and does not change any other salaries. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out all after section 5 and inserting in place thereof the following:

6 Public Guardians; Salaries. Amend RSA 94:1-a, II (supp) as inserted by 1969, 500:12 as amended by striking out same and inserting in place thereof the following:

II. The salary wages for the positions set forth below shall be as follows commencing June 16, 1978:

	Minimum	Maximum
Governor's councilors		5,300
Probate judges		12,881
Horse racing commissioners		4,018
Greyhound racing commissioners		4,018
Sweepstakes commission, chairman		6,028
Sweepstakes commission, members		3,215
Public guardians		15,000
Director, charitable trusts	7,355	9,806

Registers of probate:

Hillsborough	7,845
Merrimack	7,518
Rockingham	7,518
Strafford	7,191
Belknap	7,191
Grafton	7,191
Carroll	7,191
Cheshire	6,537
Sullivan	6,537
Coos	6,537

Deputy registers of probate:

Hillsborough	10,428	12,928
Merrimack	8,957	11,408
Rockingham	8,957	11,408
Strafford	7,812	9,986
Belknap	7,812	9,986
Carroll	7,812	9,986
Grafton	7,812	9,986
Cheshire	7,193	9,003
Sullivan	7,193	9,003
Coos	7,193	9,003

7 Appropriation. There is hereby appropriated to the division of mental health, department of health and welfare,

the sum of \$100,000 for the fiscal year ending June 30, 1980 and the sum of \$100,000 for the fiscal year ending June 30, 1981. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. Said sums shall be expended only for the purpose of carrying out RSA 547-A, and shall be allocated as follows:

Fiscal Years	1980	1981
Belknap County		
Salary of 2 public guardians	30,000	30,000
Permanent personal services	10,000	10,000
Current expenses	7,500	7,500
Equipment	2,500	-0-
Training	-0-	2,500
Total	\$50,000	\$50,000

Merrimack County		
Salary of 2 public guardians	30,000	30,000
Permanent personal services	10,000	10,000
Current expenses	7,500	7,500
Equipment	2,500	-0-
Training	-0-	2,500
Total	\$50,000	\$50,000

8 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Ordered to third reading.

HB 469, establishing a statewide elderly discount card program. Ought to Pass with Amendment.

The amendment has the \$2.00 fee divided equally between the Council on Aging and the Department of Safety. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 167-A:15 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

167-A:15 Discount Cards. The council shall cooperate with the director of the division of motor vehicles in using existing identification cards as provided under RSA 259:21, with any necessary alterations, as the discount cards required for the purposes of this subdivision. The person receiving the card shall pay \$2.00, one dollar to be credited to the division of motor vehicles for making the cards, and one dollar to be credited to the council on aging for implementation of the program.

Amend the bill by striking out section 7 and inserting in place thereof the following:

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

Rep. Willev wished to be recorded in favor of HB 469.

HB 474, making an appropriation to the division of mental health to permit implementation of community mental health programs. Inexpedient to Legislate.

The Committee felt that this bill should have been a part of the budget. Rep.

John B. Tucker for Appropriations.

Resolution adopted.

HB 476, establishing a unified medical examination system. Ought to Pass with Amendment.

The Committee supports the substance of this bill as passed by the House. The amendments primarily involve technical language changes to bring the bill into conformity with another statutory change and minor changes to the appropriations. Unanimous vote of committee. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 611 the following new chapter:
CHAPTER 611-A

Office of Chief Medical Examiner

611-A:1 Chief Medical Examiner. There is hereby established the office of chief medical examiner. The office shall be under the immediate supervision of a person, who shall be known as the "chief medical examiner" and who shall be a duly licensed physician and certified by the American Board of Pathology to possess special competence in forensic pathology, and who has had experience in forensic medicine. He shall be appointed by the governor and council, and shall serve for a term of 5 years and until his successor is appointed and has qualified, unless sooner removed by the governor and council for cause, in accordance with the provisions of RSA 4:1. He or his designee shall be continually available for emergency consultation as necessary for carrying out the functions of this office. The chief medical examiner shall be subject to direction and control by the attorney general in all matters relating to the enforcement of the criminal law. He shall have the authority to adopt rules, pursuant to RSA 541-A, relative to:

I. The proper conduct of medical examinations into the cause of death;

II. The proper methods and procedures for examinations conducted by medical examiners pursuant to RSA 611:4; and

III. The examination of substances taken from dead bodies or human remains in order to determine the manner of death, provided that such examinations shall be conducted, whenever possible, at existing qualified state facilities.

611-A:2 Acting Chief Medical Examiner. The chief medical examiner may designate in writing an acting chief medical examiner who shall be a licensed physician, certified by the American Board of Pathology as a qualified pathologist with training and experience in forensic medicine. The acting chief medical examiner shall act as the chief medical examiner whenever the latter is absent, or unable to act from any cause.

611-A:3 Clerical and Technical Assistance. The chief medical examiner may employ adequate clerical and technical assistants to carry out the purposes of this chapter, all of whom shall be in the

classified service of the state.

611-A:4 Temporary Expert Assistance.

The chief medical examiner shall have authority to call upon and employ such persons, skilled in science, pathology or otherwise as will aid him in the performance of his duties, as occasion may necessitate.

611-A:5 Affiliation. The chief medical examiner shall have the authority to enter into agreements, subject to approval of the attorney general and governor and council, with state departments, with any public or private college or university, school of medicine or hospital for the use of certain laboratories, morgues and other technical facilities, and, pursuant to such agreements, shall have authority to make the chief medical examiner or his assistants available to such educational institutions for the teaching of legal medicine and other subjects closely related to their duties.

611-A:6 Supervision of Medical Examiners. Medical examiners in the several counties shall serve under the professional direction and supervision of the chief medical examiner. The chief medical examiner or his designee shall be continually available for emergency consultation by the medical examiners.

611-A:7 The chief medical examiner or his designee shall have the authority to order or conduct, or both, an autopsy in accordance with the provisions of RSA 611:10. If it is impossible for the chief medical examiner to perform the autopsy, he shall direct under whose supervision the autopsy shall be made. The chief medical examiner shall comply with requests by the attorney general or county attorneys to perform autopsies.

611-A:8 Autopsy Reports. A report of all autopsies performed shall be filed with the attorney general and the county attorney of the county wherein the death occurred.

611-A:9 Liability for Expenses of Autopsies. The county wherein the death occurred shall pay to the state treasurer a fee in the amount of \$300 for each autopsy performed by the chief medical examiner or the acting chief medical examiner.

2 Conduct of Autopsies. Amend RSA 611:11 (supp) as amended by striking out said section and inserting in place thereof the following:

611:11 Autopsy, Making. Every autopsy authorized by the attorney general, county attorney or chief medical examiner shall be conducted in the presence of the medical examiner or his designee, and the expense thereof shall be borne by the county.

3 Repeal. RSA 611:12, relative to the supervision and expense of autopsies, is hereby repealed.

4 Selection of Pathologist to Perform Autopsy. Amend RSA 611:13 by striking out in line 1 the words "Nothing herein contained" and inserting in place thereof the following (Nothing in this chapter or in RSA 611-A) and by striking out in line 3 the word "another" and inserting in place thereof the following (any) so that said section as amended shall read as follows:

611:13 Autopsy, Other Pathologist. Nothing in this chapter or in RSA 611-A shall be construed to preclude the attorney general from procuring the services of any

pathologist, at the expense of the county wherein the death of the person occurred, if he thinks the circumstances require it.

5 Chief Medical Examiner; Report to County Attorney. Amend RSA 611:15 (supp) as amended by striking out said section and inserting in place thereof the following:

611:15 Report to County Attorney, etc. If, upon such view, with personal inquiry or autopsy, the chief medical examiner or medical examiner is of the opinion that the death of the person was caused, or occurred in any manner described in RSA 611:4, he shall at once notify the attorney general and the county attorney, and file with each a duly attested copy of the record of the case. If the death of a child under 3 years of age is supposed to be caused by sudden infant death syndrome, the chief medical examiner or medical examiner shall at once also notify the director of the division of public health services and file a duly attested copy of the record of the case with said director, who shall at once mail a duly attested copy of the summary findings of the case to the parents or legal guardians of the deceased.

6 County Attorney; Report by Chief Medical Examiner. Amend RSA 611:17 as amended by striking out said section and inserting in place thereof the following:

611:17 Duty of County Attorney, etc.; Inquest. The attorney general or county attorney, on receiving the report of the chief medical examiner or the medical examiner and finding some person or persons are probably implicated, may, when deemed necessary, authorize the medical examiner to take an inquest upon the view of the dead body of a person whose death is supposed to have been occasioned in any manner described in RSA 611:4 and said medical examiner shall thereupon summon to appear before him such witnesses as the attorney general or county attorney may direct, who shall be examined under oath by said attorney general or county attorney.

7 Inquest by Attorney General or County Attorney. Amend RSA 611:21 as amended by striking out said section and inserting in place thereof the following:

611:21 Other Inquests. If the chief medical examiner or a medical examiner reports that death was not caused or did not occur in any manner as described in RSA 611:4 and the attorney general or county attorney is of a contrary opinion, either officer may direct an inquest in accordance with the foregoing provisions.

8 Chief Medical Examiner; Salary Level. Amend RSA 94:1-a, I (supp) as inserted by 1969, 500:12 as amended by inserting in Group U in alphabetical order the following (Chief Medical Examiner).

9 Appropriation. There is hereby appropriated to the office of the chief medical examiner the sum of \$73,256 for the fiscal year ending June 30, 1980 and the sum of \$64,608 for the fiscal year ending June 30, 1981. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. Said sums shall be expended as follows:

Fiscal Yr. 1980

Salaries	
Chief Medical Examiner	40,810
Legal Steno III	8,574
Current Expenses*	3,750
Equipment	9,500
Benefits	9,372
Travel	
In-state	500
Out-of-state	750
Total	\$73,256

Fiscal Yr. 1981

Salaries	
Chief Medical Examiner	40,810
Legal Steno III	8,964
Current Expenses*	3,750
Equipment	400
Benefits	9,444
Travel	
In-state	500
Out-of-state	750
Total	\$64,608

* This appropriation includes \$3,000 in each fiscal year for the rental of space at the New Hampshire hospital.

10 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Ordered to third reading.

HB 486, relative to post-release plans for persons discharged from New Hampshire hospital and making an appropriation for community mental health services. Ought to Pass with Amendment.

Unanimous vote of Committee. Rep. John B. Tucker for Appropriations.

Amendment

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Appropriation. The sum of \$600,000 is hereby appropriated to the administration and support subcomponent of the division of mental health, department of health and welfare as a community support account for the biennium ending June 30, 1981. Said sum shall be in addition to any other sums appropriated to the division. Funds from the community support account shall be granted by the director of mental health to community mental health programs established pursuant to RSA 126-B for the sole purpose of serving in the community persons who are residents of New Hampshire hospital on April 1, 1979 and who have accumulated by that date a lifetime total of 180 days as a resident of the New Hampshire hospital. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

HB 487, increasing the monthly allowance to residents of shared homes who receive public assistance and making an

appropriation therefor. Ought to Pass with Amendment.

The amendment removes the subsidy to the Community Living Bureau, Division of Mental Health. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Shared Home and Community Living Home Residents; Monthly Allowance. Notwithstanding any statute or regulation to the contrary, the monthly allowance for persons living in certified family and group shared homes and approved community living homes who receive old age assistance, aid to the permanently and totally disabled or aid to the needy blind shall be \$365, including any federal assistance, for the biennium ending June 30, 1981.

4 Supplemental Appropriation. There is hereby appropriated to the division of welfare, department of health and welfare, the sum of \$308,127 for the fiscal year ending June 30, 1980 and the sum of \$238,287 for the fiscal year ending June 30, 1981, to be expended only for the purposes of section 3 of this act. Said sums are appropriated in addition to any other sums appropriated to the division of welfare to provide assistance payments to persons described in section 3 so that the monthly allowance for each person shall be \$365. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Ordered to third reading.

Rep. Willey wished to be recorded in favor of HB 487.

HB 490, establishing an advisory committee on mental health funding, and establishing an oversight committee for New Hampshire hospital and Glencliff home for the elderly study and making an appropriation therefor. Ought to Pass with Amendment.

The passage of this bill will establish two committees; one is an oversight committee for the New Hampshire Hospital and Glencliff Home and the other is an advisory committee on mental health funding. The bill required a simple correction in the first paragraph so that, as amended, the advisory committee shall have two members of the health and welfare commission selected by the Governor. The bill's appropriation is for the oversight committee's study of long-range needs for a centralized in-patient psychiatric facility. Rep. John B. Tucker for Appropriations.

Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Advisory Committee. There is hereby

established an advisory committee on mental health funding to be composed of: 2

senators, appointed by the president of the senate; 2 representatives, appointed by the speaker of the house; 2 members of the health and welfare advisory commission, selected by the governor; 3 representatives from the council of community mental health agencies, including one executive director, one business manager and one board president; not from the same agency; and one representative from the New Hampshire association for mental health. The members of the committee shall serve without compensation, but shall receive reimbursement for mileage and expenses. This committee shall work with and advise the director of mental health relative to determining a general per capita need for mental health funding for the state regardless of the source of funding; determining the state's share of mental health funding; and determining the most equitable method of allocating the state's mental health funds among the 10 mental health regions. The committee and the director of mental health shall present their report and recommendations to the general court not later than January 1, 1981.

Amendment adopted.

Ordered to third reading.

HB 496, creating a committee to review and evaluate the planning and service functions of sub-state regional organizations and districts and making an appropriation therefor. Ought to Pass with Amendment.

This bill authorizes a study of compatible regions. Unanimous vote of Committee. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Appropriation. The sum of \$2,500 is hereby appropriated for the fiscal year ending June 30, 1980, for purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

HB 498, establishing a commission to develop a statewide water supply policy and comprehensive plan for management of water supply demands and resources and making an appropriation therefor. Ought to Pass with Amendment.

Allows a compilation of data available on this important subject matter. Unanimous vote of Committee. Rep. John B. Tucker for Appropriations.

Amendment

Amend section 4 of the bill by striking out same and inserting in place thereof the following:

4 Appropriation. There is hereby appropriated to the commission established

by this act for the purpose hereof the sum of \$15,000 which shall not lapse until June 30, 1981. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The commission, with approval of the governor and council, is authorized to apply for, accept and expend any federal monies or other private funds on a matching basis for which it may be eligible for the purposes of this act.

Amendment adopted.

Ordered to third reading.

HB 506, relative to running and harness horse racing. Ought to Pass.

Unanimous vote of committee. The Committee supports this bill as passed by the House. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

Rep. Willev wished to be recorded in favor of HB 506.

HB 516, simplifying the procedures for registering motor vehicles by designating certain municipal officials as agents. Ought to Pass with Amendment.

This bill, as amended, authorizes the Commissioner of Safety, in his judgment, to delay implementation of this act until July 1, 1981. Unanimous vote of Committee. Rep. John B. Tucker for Appropriations.

Amendment

Amend paragraph II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. Notwithstanding the effective date of this act, the commissioner of safety in his judgment may delay implementation of this act until July 1, 1981 if necessary in order to provide for its orderly functioning.

Amendment adopted.

Ordered to third reading.

HB 518, repealing the fee for testing water samples. Ought to Pass with Amendment. This amendment will change the fees to what the average cost is to the laboratory. Unanimous vote of Committee. Rep. John B. Tucker for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the fees for testing certain water samples

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Fees for Water Testing. Amend RSA 131:3-a (supp) as inserted by 1977, 600:56 by striking out said section and inserting in place thereof the following:

131:3-a Fee Required. Notwithstanding the provisions of RSA 131:4, the water supply and pollution control commission shall collect a fee of \$15 per sample for a complete and S.D.W.A. analysis and \$2.50 for a bacteriological analysis made pursuant to RSA 131:3. Such fees shall be deposited with the treasurer as unrestricted revenue.

2 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Ordered to third reading.

HB 529, relating to the powers of the commissioner of public works and highways. Ought to Pass.

This bill removes the authority of the commissioner on divisible load permits. Unanimous vote of Committee. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 538, providing business profits tax deductions for certain energy and resource conservation investments. Ought to Pass.

Unanimous vote of Committee. The Committee supports this bill as passed by the House. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 540, relative to the division of records management and archives. Ought to Pass with Amendment.

This bill transfers the Division of Records Management and Archives from the Comptroller to the Secretary of State and provides for the appointment of a State Archivist. The division will be under the direction of the State Archivist, and insures that the incumbent Director of the Division of Records Management shall become the Manager of Records Control. Unanimous vote of Committee. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 8-B:4 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

8-B:4 Archivist. The secretary of state, with the approval of governor and council, shall appoint the state archivist who shall be an unclassified state employee. The state archivist shall have a minimum of a master's degree in library science or history and prior experience as an archivist or experience in a related field. The term of office for the state archivist shall be for 5 years. Any vacancy shall be filled for the unexpired term.

Amend section 11 of the bill by striking out same and inserting in place thereof the following:

11 Appropriation. There is hereby appropriated the sum of \$14,840 for the fiscal year ending June 30, 1980 and the sum of \$16,112 for the fiscal year ending June 30, 1981, to fund the position specified in section 9 of this act. The governor is authorized to draw his warrant for said sums

out of any money in the treasury not otherwise appropriated.

12 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.

Ordered to third reading.

HB 678, establishing a statewide health coordinating council, designating a state health planning and development agency and prescribing powers and duties. Ought to Pass.

Unanimous vote of Committee. The passage of this bill could result in more efficient health programs through better statewide coordination. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 724, designating the bureau of vital records and health statistics as the health statistics center for New Hampshire and making an appropriation therefor. Ought to Pass with Amendment.

The Committee supports the function of this bill which calls for data collection and referral to the Federal Government which required national health statistics. The Committee amendment is an itemized breakdown of the same appropriation called for in the original bill. To comply with Public Law 95-623, the State's bureau of vital records and health statistics, within the Division of Public Health, is designated the health statistics center for New Hampshire. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:
2 Appropriation. The following sums are hereby appropriated for the purposes of section 1 of this act:

	Fiscal Year 1980
20 Current expenses	\$10,000
59 Full time temporary	35,710
60 Benefits	3,570
70 In-state travel	1,000
80 Out-of-state travel	1,000
90 Contracts	80,000
91 Indirect cost	7,500
92 Training	1,000
93 Data processing	20,000
Total	\$159,780

Estimated source of funds:

Federal funds	119,780
General fund	40,000
Total	159,780

	Fiscal Year 1981
20 Current expenses	\$10,000
59 Full time temporary	37,675
60 Benefits	3,765
70 In-state travel	1,000
80 Out-of-state travel	1,000
90 Contracts	80,000
91 Indirect cost	7,800
92 Training	1,000
93 Data processing	17,750
Total	\$159,990

Estimated source of funds:

Federal funds	119,990
General fund	40,000
Total	\$159,990

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

Rep. Willey wished to be recorded in favor of HB 724.

HB 757, amending various provisions of the unemployment compensation act. Ought to Pass. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 769, amending the public employee labor relations law. Ought to Pass with Amendment.

The amendment eliminates the office of "Director of State Labor Relations" because this has been taken care of in HB 700. No other changes were made in the bill. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out sections 7, 12, 13 and 14 and renumbering sections 8 - 16 to read as 7, 8, 9, 10, 11, and 12 respectively.

Amendment adopted.

Ordered to third reading.

HB 796, to improve services to the developmentally impaired. Ought to Pass with Amendment.

Unanimous vote of Committee. The main thrust of this bill is directed at streamlining the channel for providing services to the developmentally disabled throughout the State. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 171-A:18, III, as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

III. Each area board shall appoint an executive director who shall be accountable to the board for administering the area-wide programs and services for developmentally impaired persons. The executive director shall serve at the pleasure of the area board and shall serve as a full-time employee of the area board unless this full-time requirement has been waived in writing by the director.

Amend RSA 171-A:18, VI, as inserted by section 7 of the bill by striking out same and inserting in place thereof the following:

VI. A community mental health program established pursuant to RSA 126-B may also be designated an area agency by the director, providing that the area agency is in full compliance with the requirements of this chapter and with all standards and rules adopted pursuant thereto.

VII. The division of mental health shall assume all or any part of the responsibilities provided for in paragraphs I and II at any time during which an area agency is not designated.

Amend RSA 126-A:39 as inserted by section 11 of the bill by striking out same and inserting in place thereof the following:

126-A:39 Duties and Functions of Division of Mental Health. The director shall develop a statewide program of community living facilities for developmentally impaired and mentally ill persons. In connection therewith, the director shall be responsible for the selection, certification and monitoring of such community living facilities. The director shall also be responsible for prior approval of all individual residential placements and monitoring of the care, treatment and habilitation provided to all residents of community living facilities. Placements of children shall be consistent with RSA 170-A, 170-C and 170-D, as appropriate. Approval by the director of an individual for placement in a community living facility shall be based on a finding by the director that the community living facility is the least restrictive environment appropriate to the needs of the individual. "Least restrictive environment" means the facility, program or service which least inhibits a person's freedom of movement, freedom of choice, and participation in the community, while achieving the purposes of habilitation and treatment.

Amendment adopted.

Ordered to third reading.

HB 808, to conform the state unemployment compensation law to federal requirements specified in PL 94-566 amended. Ought to Pass.

Unanimous vote of Committee. The Committee supports this bill as passed by the House. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 832, relative to the treatment of alcoholism. Ought to Pass.

Unanimous vote of Committee. To comply with Federal Law this bill addresses alcoholism as a social disease rather than as a crime. Redefinitions are included in HB 832 to reach that goal. The second part of the bill provides for treatment for alcoholism and the proper method for admission to the program. Finally, the bill removes intoxication from the list of crimes in RSA 644. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 835, reorganizing the program on alcoholism and drug abuse. Ought to Pass. The Committee concurs with the Executive Departments and Administration Committee that the changes called for in HB 835 are necessary to reorganize the State program on alcoholism and drug abuse. A great deal of favorable testimony

indicates that the end result in 1981 should be a well-organized, effective program to deal with this serious problem. Rep. John B. Tucker for Appropriations.

Ordered to third reading.

HB 839, redefining the term "permanent policemen" as used in RSA 100-A, relative to the New Hampshire retirement system. Ought to Pass.

Rep. John B. Tucker for Appropriations.

Ordered to third reading.

(Speaker in the Chair)

SUSPENSION OF RULES

Rep. Tucker moved that the rules be so far suspended as to permit consideration at the present time of HB 877, making appropriations for capital improvements, HB 878, relative to pay raises and benefits for state employees, and HB 879, relative to salary increases for university system of New Hampshire employees and making an appropriation therefor, without the required notice in the Calendar.

Adopted by the necessary two-thirds.

Rep. French moved that debate be limited to 30 minutes equally divided, including questions, on all remaining committee reports.

Adopted.

COMMITTEE REPORTS (cont.)

HB 879, relative to salary increases for university system of New Hampshire employees and making an appropriation therefor. Ought to Pass. Rep. John B. Tucker for Appropriations.

Rep. Tucker yielded to questions.

Rep. Tucker offered an amendment.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statement of Legislative Intent. In recognition of the forces of inflation and the erosion of purchasing power, it is the intent of the legislature that the university system trustees will address this concern.

2 First Year Increases. The sum of \$2,760,636 is hereby appropriated to trustees of the university system of New Hampshire for the fiscal year ending June 30, 1980 to provide salary increases. The sum of \$520,236 is hereby appropriated to said trustees for the same fiscal year for benefit costs related to the said increases. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Second Year Increases. The sum of \$5,599,329 is hereby appropriated to the trustees of the university system of New Hampshire for the fiscal year ending June

30, 1981 to provide salary increases. The sum of \$1,030,599 is hereby appropriated to said trustees for the same fiscal year for benefit costs related to said increase. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Effective Date. Sections 1 and 2 of this act shall take effect July 1, 1979. Section 3 of this act shall take effect July 1, 1980.

The Clerk read the amendment.

Rep. Tucker explained the amendment and yielded to Rep. Kidder, who explained the amendment further and yielded to questions.

Rep. Margaret Ramsay spoke in favor of the amendment and yielded to questions.

Rep. Spirou spoke against the amendment.

Rep. Nardi spoke in favor of the amendment.

Rep. Spirou requested a quorum count.

The Speaker declared a quorum present.

Reps. Chambers and Scamman spoke against the amendment and yielded to questions.

Reps. Snell and O'Neill spoke against the amendment.

Reps. Hanson and Robinson spoke in favor of the amendment.

Rep. Tucker spoke in favor of the amendment and yielded to questions.

The previous question was moved. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Reps. Demers and Farnham abstained from voting under Rule 16.

(Speaker presiding)

YEAS 161 NAYS 152

YEAS 161

BELKNAP: Beard, Gary Dionne, French, Hanson, Mansfield, Matheson, Morin, Nighswander, Sabbow and Sanders.

CARROLL: Roderick Allen, Chase, Heath, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Baybutt, Jesse Davis, Ernst, Galloway, Ladd, Lynch, Matson, Miller, Moore, Margaret Ramsay and Scranton.

COOS: Bouchard, Fortier, Bradley Havnes, Horton, Mayhew, Oleson, Theriault, Alcide Valliere and Wiswell.

GRAFTON: Christy, Crory, LaMott, Logan, Lowmes, Mann, Rounds, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Arris, Bosse, Bover, Carswell, Yvette Chagnon, Corser, Catherine-Ann Day, L. Penny Dion, Nancy Gagnon, Granger, Hardy, Head, Heald, Thomas Hynes, Keefe, Labombarde, Lamv, Lyons, McLaughlin, Morgan, Morrison, Nardi, Naro, Odell, Pappas, David Ramsay, Record, Sallada, Silva, Edward Smith, Van Loan, Wallin, Weaver, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, Bodi, Laurent Boucher, Carroll, Milton Cate, Clements,

Colby, Epstein, Hill, Kidder, Paire, Stockman, Stokes, Trachy, Underwood, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Appel, Bisbee, Blanchette, Butler, Marilyn Campbell, Carpenito, Patricia Cote, Robert Dav, Dunfev, Felch, Flanagan, Joseph Flvnn, Gould, Greene, Hartford, Hoar, Jackson, Jones, Kane, Landry, Leslie, Lovejoy, Nelson, Newell, Quimby, Reese, Schmidtchen, Skinner, Splaine, Stimmell, Sytek, Vartanian, Vlack, Helen Wilson and Wolfesen.

STRAFFORD: Canney, Gauvin, Cosselin, Lessard, McManus, Meader, Morrisette, Nadeau, Dennis Ramsey, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Valley and Vaughan.

SULLIVAN: Sim Gray, Lucas, Palmer, Spaulding, Townsend, Tucker, Wiggins and Williamson.

NAYS 152

BELKNAP: Birch, Bordeaux, Bowler, Downs and Hildreth.

CARROLL: Desiardins and Towle.

CHESHIRE: Callahan, Daniel Faton, Gordon, Johnson, Kohl, Nims, O'Connor, Proctor, William Riley, Russell, Vrakatisis and Jean White.

COOS: Elmer Beaulac, Brungot, Burns, Chappell, Guay, George Lemire and York.

GRAFTON: Ira Allen, Buckman, George Cate, Chambers, Clark, Copenhaver, Foster, Michael King, Low, McAvoy, Snell and Thomson.

HILLSBOROUGH: Archambault, Aubut, Baker, Burkush, Compagna, Craig, Dolbec, Donovan, Drewniak, Beverly Dupont, Clyde Eaton, Joseph Faton, Gabrielle Gagnon, Gelinas, Hall, Healy, Hendrick, Howard Humphrey, Jamrog, Kaklamanos, Karnis, Levesque, Madigan, Milton Meyers, Mulligan, Murray, Nemzoff-Berman, Pastor, Perkins, Plomaritis, Podles, Polak, Proulx, Peter Ramsey, Reidv, Roy, Soucy, Spirou, Stahl, Steiner, Stylianos, James Sullivan, Thibeault, Rock Tremblay, Eliot Ware, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler and Zaidel.

MERRIMACK: Bellerose, Blakeney, John Cate, Holliday, James Humphrey, LaBranche, Locke, Mitchell, Nichols, O'Neill, Randlett, Rice, Doris Riley, William Roberts, Selway, Shepard, Gerald Smith, Stio and Rick Tromblv.

ROCKINGHAM: Benton, Blake, Collins, Connors, Ellyson, Beverly Gage, Gibbons, Griffin, Kashulines, Keenan, Roger King, Kozacka, Krasker, Lavcock, McFachern, Pantelakos, Parolise, Parr, Peterson, Pevear, Pucci, Rogers, Scamman, Schwaner, Stickney, Tavitian, Warburton, Wojnowski and Woodman.

STRAFFORD: Burchell, Ronald Chagnon, DeNafio, Donnelly, Hebert, Joos, Pray and Whitehead.

SULLIVAN: Edmund Belak, Brodeur, Burrows, David Campbell, Cutting, D'Amante, Domini and LeBrun, and the committee amendment was adopted.

Question being on the committee report. A roll call was requested. Sufficiently seconded.

Reps. Downs, Farnham and Demers abstained from voting under Rule 16.

(Speaker presiding)
YEAS 195 NAYS 117
YEAS 195

BELKNAP: Beard, Birch, Bowler, Gary Dionne, French, Hanson, Mansfield, Matheson, Morin, Nighswander, Sahbow and Sanders.

CARROLL: Roderick Allen, Chase, Heath, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Bavhutt, Jesse Davis, Daniel Eaton, Ernst, Galloway, Gordon, Ladd, Lynch, Matson, Miller, Moore, Margaret Ramsav, William Riley, Scranton and Vrakatitsis.

COOS: Bouchard, Burns, Fortier, Bradley Haynes, Horton, Oleson, Theriault, Alcide Valliere and Wiswell.

GRAFTON: Ira Allen, George Cate, Christy, Copenhaver, Corrv, LaMott, Logan, Lowmes, Mann, Rounds, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Arris, Bosse, Boyer, Carswell, Yvette Chagnon, Corser, Catherine-Ann Dav, L. Penny Dion, Donovan, Nancy Gagnon, Granger, Hardy, Head, Heald, Hendrick, Thomas Hynes, Jamroz, Kaklamanos, Keefe, Lahombarde, Lamy, Levesque, Lyons, McLaughlin, Milton Meyers, Morgan, Morrison, Murray, Nardi, Naro, Nemzoff-Berman, Odell, Pappas, Perkins, Polak, Record, Sallada, Silva, Edward Smith, Stahl, Van Loan, Wallin, Weaver, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bibbo, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Clements, Colby, Epstein, Hill, Holliday, Kidder, Nichols, O'Neill, Paire, Stockman, Stokes, Trachy, Rick Trombly, Underwood, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Appel, Bisbee, Blanchette, Butler, Marilyn Campbell, Carpenito, Patricia Cote, Robert Dav, Felch, Flanagan, Joseph Flvnn, Gould, Greene, Griffin, Hartford, Hoar, Jackson, Jones, Kane, Roger King, Kozacka, Landry, Laycock, Leslie, Lovejoy, Nelson, Newell, Pevear, Quimby, Reese, Rogers, Scamman, Schmidtchen, Skinner, Splaine, Stimmell, Sytek, Tavitian, Vartanian, Vlack, Warburton, Helen Wilson and Wolfesen.

STRAFFORD: DeNafio, Gauvin, Gosselin, Lessard, McManus, Meader, Morrisette, Nadeau, Dennis Ramsey, Robinson, Sackett, Schreiber, Donald Smith, Tripp, Valley, Vaughan and Whitehead.

SULLIVAN: David Campbell, Sim Gray, Lucas, Palmer, Spaulding, Townsend, Tucker, Wiggins and Williamson.

NAYS 117

BELKNAP: Bordeau and Hildreth.

CARROLL: Desiardins and Towle.

CHESHIRE: Callahan, Johnson, Kohl, Nims, O'Connor, Proctor, Russell and Jean White.

COOS: Elmer Beaulac, Brungot, Chappell, Guay, George Lemire, Mayhew and York.

GRAFTON: Buckman, Chambers, Clark, Foster, Michael King, Low, McAvov, Snell and Thomson.

HILLSBOROUGH: Archambault, Aubut, Baker, Burkush, Compagna, Craig, Dolbec, Drewniak, Beverly Dupont, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Celinas, Wall, Healy, Howard Humphrey, Karnis, Madigan, Mulligan, Pastor, Plomaritis, Podles, Proulx, David Ramsav, Peter Ramsey, Reidy, Roy, Soucy, Spirou, Steiner, Stylianos, James Sullivan, Thiheault, Rock Tremblay, Eliot Ware, Welch, Emma Wheeler, Kenneth Wheeler, Robert Wheeler and Zajdel.

MERRIMACK: Bellerose, Blakeney, James Humphrey, LaBranche, Locke, Mitchell, Randlett, Rice, Doris Riley, William Roberts, Selway, Shepard, Gerald Smith and Stio.

ROCKINGHAM: Benton, Blake, Collins, Connors, Dunfee, Ellvson, Beverly Gage, Gibbons, Kashulines, Keenan, Krasker, McEachern, Pantelakos, Parolise, Parr, Peterson, Pucci, Schwaner, Sticknev, Woinowski and Woodman.

STRAFFORD: Burchell, Canney, Ronald Chagnon, Donnelly, Hebert, Joos and Pray.

SULLIVAN: Edmund Belak, Brodeur, Burrows, Cutting, D'Amante, Domini and LeBrun, and the committee report was adopted.

Ordered to third reading.

Rep. Low notified the Clerk that he inadvertently voted nay and meant to vote yea.

HB 878, relative to pay raises and benefits for state employees. Ought to Pass. Rep. John B. Tucker for Appropriations.

Rep. Tucker offered an Amendment.

Amendment

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Appropriations for Retirement and OAST - Permanent. There is hereby appropriated in addition to any other sums appropriated for retirement and OAST for fiscal year ending June 30, 1980, the following sums: \$436,284 from the general funds of the state, \$174,094 from highway funds, \$14,221 from fish and game funds, \$96,253 from federal funds, and \$27,619 from self-sustaining and toll funds.

Amend the bill by striking out section 13 and inserting in place thereof the following:

13 Appropriations

I. Retirement and OASI - Permanent.

There is hereby appropriated in addition to any other sums appropriated for retirement and OASI for fiscal year ending June 30, 1981, the following sums: \$859,158 from the general funds of the state, \$342,838 from highway funds, \$28,005 from fish and game funds, \$189,549 from federal funds, and \$54,388 from self-sustaining and toll funds.

II. Retirement and OASI; Temporary and Seasonal. There is hereby appropriated for fiscal year ending June 30, 1981, for retirement and OASI for temporary and seasonal employees as provided herein the following sums: \$157,413 from the general funds of the state, \$30,705 from highway funds, \$925 from fish and game funds, \$90,722 from federal funds, and \$13,690 from self-sustaining and toll funds.

Amend RSA 99:18, IV as inserted by section 14 of the bill by striking out same and inserting in place thereof the following:

IV. A classified state employee, upon retirement under the provisions of RSA 100-A:5 and RSA 100-A:6 only, shall receive payment in a sum equal to 1/3 the number of sick leave days remaining to the employee's credit, provided that the total number of days eligible for payment shall not exceed 30.

V. Any annual leave accumulated under the provisions of this section shall be in addition to any maximum annual leave provided under RSA 99:16.

Amend the bill by striking out section 19 and inserting in place thereof the following:

19 Appropriation. There are hereby appropriated for the purposes of sections 16 and 17 and RSA 99:18 as inserted by section 14 of this act the following sums: for the fiscal year ending June 30, 1980, \$1,010,657 from the general funds of the state, \$333,076 from highway funds, \$29,632 from fish and game, \$262,421 from federal funds, and \$69,124 from self-sustaining and toll funds, and for the fiscal year ending June 30, 1981, \$1,010,657 from the general funds of the state, \$333,076 from highway funds, \$29,632 from fish and game, \$262,421 from federal funds, and \$69,124 from self-sustaining and toll funds. The governor is authorized to draw his warrant for the sums hereby appropriated.

Amend the bill by striking out section 22 and inserting in place thereof the following:

22 PUC - Transportation Inspectors.

Amend RSA 99:2, c. as amended by inserting in line 6 after the word "officers" the following (, transportation inspectors) so that said paragraph as amended shall read as follows:

c. The standard workweek for law enforcement employees shall be a basic 40-hour week. To the annual salary of such employees shall be added compensation equivalent to 8 hours per week or 416 hours per year. Law enforcement employees, for the purpose of this section, shall include liquor investigators, safety inspectors, motor vehicle investigators, probation officers, transportation inspectors and all law enforcement employees of the department of resources and economic development, including, district fire chiefs and forest

fire prevention and training officers, and forest and park enforcement officers within the bureau of off highway recreational vehicles.

23 Appropriation for Transportation Inspectors. There is hereby appropriated to the public utilities commission the sum of \$10,893 for the 1980 fiscal year and \$11,011 for the 1981 fiscal year for the purposes of section 22 of this act. Said sums shall be a charge against self-sustaining funds.

24 Liquor Commission Equipment. There is hereby appropriated \$9,500 for the 1980 fiscal year and \$9,500 for the 1981 fiscal year to the liquor commission for the purchase and installation of 2 power lift conveyor belts. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

25 State Police Overtime. Amend RSA 99:2 by inserting after paragraph g. the following new paragraph:

h. Any trooper, trooper specialist, trooper trainee, trooper first class, corporal, corporal technician, corporal specialist, sergeant, sergeant specialist and sergeant technician of the division of state police who is required to work on a scheduled day off shall be paid a day's pay at the rate of time and one half. Such employees may choose to take compensatory time off at time and one half in lieu of payment. This provision shall not apply to court appearances.

26 Appropriation for State Police. The sum of \$8,550 from general funds and \$81,450 from highway funds are hereby appropriated for the 1980 fiscal year and the sum of \$8,550 from general funds and \$81,450 from highway funds are hereby appropriated for the 1981 fiscal year to the division of state police for the purposes of section 26 of this act. The governor is authorized to draw his warrant for the sums hereby appropriated.

27 Effective Date.

I. Sections 1, 2, 3, 14, 15, 22 and 25 of this act shall take effect June 15, 1979.

II. Sections 4, 5, 6, 7, 16, 17, 18, 19, 23, 24 and 26 of this act shall take effect July 1, 1979.

III. Sections 8, 9, 10, and 20 of this act shall take effect June 13, 1980.

IV. Sections 11, 12, 13 and 21 of this act shall take effect July 1, 1980.

There being no objection, the Clerk dispensed with the reading of the amendment.

Rep. Tucker explained the amendment and yielded to Rep. Hanson, who explained the amendment further and yielded to questions.

(Rep. French in the Chair)

Amendment adopted.

Rep. McManus offered an amendment.

Amendment

Amend the bill by striking out section 25 and inserting in place thereof the following:

25 Overtime for State Police. Amend RSA 99:2, f by striking out said paragraph and inserting in place thereof the following:

f. The standard workweek for all classified employees of the division of state police who are empowered to make arrests in criminal cases shall be a basic 40 hour week. To the annual salary of such employees shall be added compensation equivalent to 8 hours per week or 416 hours per year, and compensation at the rate of time-and-one-half for any hours worked beyond the basic 40 hour week and the additional 8 hours per week for which they are otherwise compensated.

Amend the bill be striking out section 26 and inserting in place thereof the following:

26 Appropriation. The sum of \$600,000 is hereby appropriated for the purposes of section 25 of this act for fiscal years 1980 and 1981. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

The Clerk read the amendment.

(Speaker in the Chair)

Rep. McManus explained the amendment and yielded to questions.

(Rep. French in the Chair)

Reps. Tucker and Blanchette spoke against the amendment.

Rep. Spirou spoke against the amendment and yielded to questions.

A roll call was requested. Sufficiently seconded.

Rep. Downs abstained from voting under Rule 16.

(Speaker presiding)

YEAS 45 NAYS 247

YEAS 45

BELKNAP: None.

CARROLL: Roderick Allen and Kenneth MacDonald.

CHESHIRE: Daniel Faton and Kohl.

COOS: Guay, Mayhew, Richardson and Vork.

GRAFTON: George Cate, Christy, Dearborn, Low, Snell and Thomson.

HILLSBOROUGH: Joseph Eaton, Hall, Hardy, Healy, Kaklamanos, Proulx, Peter Ramsev, Reidy, Kenneth Wheeler and Robert Wheeler.

MERRIMACK: James Humphrey, Locke, Rice, Stio and Stokes.

ROCKINGHAM: Bishee, Blake, Carpenito, Dunfee, Reese, Vartanian, Warburton and Woodman.

STRAFFORD: Demers, DeNafio, McManus, Dennis Ramsey and Vaughan.

SULLIVAN: Edmund Belak, Domini and Wiggins.

YEAS 247

BELKNAP: Beard, Birch, Bordeau, Bowler,

Gary Dionne, French, Hanson, Hildreth, Mansfield, Matheson, Nighswander, Sabbow and Sanders.

CARROLL: Chase, Desjardins, Heath, Keller, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Jesse Davis, Ernst, Galloway, Gordon, Ladd, Lynch, Matson, Miller, Nims, O'Connor, Proctor, Margaret Ramsay, William Rilev, Russell, Scranton and Vrakatitsis.

COOS: Elmer Beaulac, Brungot, Burns, Chappell, Bradley Haynes, Horton, Oleson, Theriault and Wiswell.

GRAFTON: Ira Allen, Chambers, Clark, Copenhagen, Crory, Foster, Michael King, LaMott, Logan, Lowmes, Mann, McAvoy, Penitone, Rounds, Seely, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Archambault, Arris, Aubut, Baker, Bosse, Burkush, Carswell, Yvette Chagnon, Compagna, Corser, Joseph Cote, Craig, Catherine-Ann Dav, L. Penny Dion, Dolbec, Donovan, Clyde Eaton, Nancy Gagnon, Celinas, Granger, Head, Heald, Hendrick, Howard Humphrey, Thomas Hynes, Jamrog, Karnis, Keefe, Labombarde, Lamv, Levesque, Lyons, Madigan, McLaughlin, Milton Meyers, Morgan, Morrison, Mulligan, Murray, Nardi, Nemzoff-Berman, Odell, Pappas, Aime Paradis, Pastor, Perkins, Plomaritis, Podles, Polak, David Ramsay, Roy, Sallada, Silva, Edward Smith, Leonard Smith, Soucy, Spirou, Stahl, Steiner, Stvilanos, Francis Sullivan, James Sullivan, Thiheault, Rock Tremblay, Vachon, Van Loan, Wallace, Wallin, Eliot Ware, Weaver, Welch, Emma Wheeler, James J. White, M. Arnold Wight and Zaidel.

MERRIMACK: Avles, Bellerose, Bihho, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Clements, Colby, Epstein, Hill, Holliday, Kidder, LaBranche, Mitchell, Nichols, Packard, Paire, Randlett, Doris Rilev, William Roberts, Selway, Shenard, Gerald Smith, Stockman, Trachy, Underwood, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Appel, Blanchette, Butler, Marilyn Campbell, Connors, Patricia Cote, Ellyson, Flanagan, Joseph Flynn, Beverly Gage, Gibbons, Gould, Greene, Griffin, Hartford, Hoar, Jackson, Jones, Kane, Kashulines, Keenan, Roger King, Kozacka, Krasker, Landry, Lavcock, Leslie, Lovejoy, Nelson, Newell, Pantelakos, Parolise, Parr, Peterson, Pevear, Pucci, Quimby, Rogers, Scamman, Schmidtchen, Schwaner, Skinner, Freda Smith, Splaine, Stickney, Strimmell, Sytek, Tavitian, Vlack, Wojnowski and Wolfson.

STRAFFORD: Burchell, Ronald Chagnon, Donnelly, Farnham, Cauvin, Cosselin, Hebert, Meader, Morrisette, Pray, Sackett, Schreiber, Tripp and Vallev.

SULLIVAN: Brodeur, Burrows, David Campbell, Cutting, D'Amante, Sim Grav, Palmer, Spaulding, Townsend, Tucker and Williamson, and the amendment lost.

Question being on the adoption of the committee report.

Rep. Hanson yielded to questions.

A roll call was requested. Sufficiently seconded.

Reps. Downs and Vaughan abstained from voting under Rule 16.

(Speaker presiding)

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YFAS 294

BELKNAP: Beard, Birch, Bordeau, Bowler, Garv Dionne, French, Hanson, Hildreth, Mansfield, Matheson, Nighswander, Sabbow and Sanders.

CARROLL: Roderick Allen, Chase, Desjardins, Heath, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Baybutt, Callahan, Jesse Davis, Daniel Eaton, Ernst, Galloway, Gordon, Johnson, Kohl, Ladd, Lynch, Matson, Miller, Nims, O'Connor, Proctor, Margaret Ramsay, William Riley, Russell, Scranton, Vrakatis and Jean White.

COOS: Elmer Beaulac, Brungot, Burns, Chappell, Guay, Bradley Haynes, Horton, Mawhew, Oleson, Richardson, Theriault, Wiswell and York.

GRAFTON: Ira Allen, George Cate, Chambers, Christy, Copenhagen, Crorv, Dearborn, Foster, Michael King, LaMott, Logan, Low, Lowmes, Mann, McAvoy, Pepitone, Rounds, Seely, Snell, Thomson, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Archambault, Aubut, Baker, Bosse, Burkush, Carswell, Yvette Chagnon, Compagna, Corser, Joseph Cote, Craig, Catherine-Ann Day, L. Penny Dion, Dolbec, Donovan, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Nancy Gagnon, Gelinas, Granger, Hall, Hardy, Head, Heald, Healy, Hendrick, Howard Humphrey, Thomas Hynes, Jamrog, Kaklamanos, Karnis, Keefe, Labombarde, Lamy, Levesque, Lyons, Madigan, McLaughlin, Milton Meyers, Morgan, Morrison, Mulligan, Murray, Nardi, Naro, Nemzoff-Berman, Odell, Pappas, Aime Paradis, Pastor, Perkins, Plomaritis, Podles, Polak, Proulx, Peter Ramsey, Reidy, Roy, Sallada, Silva, Edward Smith, Leonard Smith, Soucy, Spiro, Stahl, Steiner, Stylianos, Francis Sullivan, James Sullivan, Thibeault, Rock Tremblay, Vachon, Van Loan, Wallace, Wallin, Eliot Ware, Weaver, Welch, Kenneth Wheeler, Robert Wheeler, James J. White, M. Arnold Wight and Zajdel.

MERRIMACK: Ayres, Bellerose, Bibbo, Blakeney, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Clements, Colby, Epstein, Hill, Holliday, James Humphrey, Kidder, LaBranche, Mitchell, Nichols, Packard, Paire, Randlett, Rice, Doris Riley, William Roberts, Selway, Shepard, Gerald Smith, Stio, Stockman, Stokes, Trachy, Rick Trombly, Underwood, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Appel, Bisbee, Blake, Blanchette, Butler, Marilyn Campbell, Carpenito, Connors, Patricia Cote, Dunfey, Ellson, Flanagan, Joseph Flynn, Beverly

Gage, Gibbons, Gould, Greene, Griffin, Hartford, Hoar, Jackson, Jones, Kane, Kasulines, Keenan, Roger King, Kozacka, Krasker, Landry, Lavcock, Leslie, Lovejoy, McEachern, Nelson, Newell, Pantelakos, Parolise, Parr, Peterson, Pevear, Pucci, Quimby, Reese, Rogers, Scamman, Schmidtchen, Schwaner, Skinner, Freda Smith, Splaine, Stickney, Stimmell, Sytek, Tavitian, Vlack, Warburton, Helen Wilson, Wojnowski and Wolfson.

STRAFFORD: Burchell, Ronald Chagnon, Demers, DeNafio, Donnelly, Farnham, Gauvin, Gosselin, Hebert, Lessard, McManus, Meader, Morrisette, Prav, Dennis Ramsey, Sackett, Schreiber, Tripp and Vallev.

SULLIVAN: Edmund Belak, Brodeur, Burrows, David Campbell, Cutting, D'Amante, Domini, Sim Gray, Palmer, Spaulding, Townsend, Tucker, Wiggins and Williamson.

NAYS 5

BELKNAP: None.

CARROLL: None.

CHESHIRE: None.

COOS: None.

GRAFTON: Clark.

HILLSBOROUGH: David Ramsay and Emma Wheeler.

MERRIMACK: Locke.

ROCKINGHAM: Woodman.

STRAFFORD: None.

SULLIVAN: None, and the committee report was adopted.

Ordered to third reading.

HB 88, establishing the office of ombudsman within the state council on aging and making an appropriation therefor. Ought to Pass with Amendment.

This bill establishes an office of ombudsman within the State Council on Aging. The bill has been amended to meet the minimum requirements of the Older Americans Act, Public Law 95-478.

1. All reference to "government agencies" has been removed because the federal act appears to contemplate investigation only of actions by private facilities and agencies.
2. The ombudsman's investigative function is described in the terms employed by the federal act.
3. The ombudsman's authority for action "on his own initiative" has been deleted.
4. The subpoena authority has been deleted.
5. The immunity section has been redrafted.
6. Qualifications for the person to be hired as an ombudsman are outlined.

7. Appropriation amended to \$18,000 for each year of the biennium.
Rep. John B. Tucker for
Appropriations.

Amendment

Amend paragraph II of section 1 of the bill by striking out same and inserting in place thereof the following:

II. The legislature, therefore, declares that it is the public policy of this state to secure for the elderly patients, residents and clients of health care facilities serving their specialized needs and problems the same civil and human rights guaranteed to all citizens; and that, to this end, there should be established within state government the office of ombudsman to receive, service, investigate and resolve complaints concerning certain health care facilities serving the elderly which relate to administrative actions which may adversely affect the health, safety, welfare and civil and human rights of elderly patients, residents and clients of such facilities.

Amend RSA 167-A:11, I, as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. An "action" of any facility shall be deemed to include any failure or refusal to act by such facility.

Amend RSA 167-A:11 as inserted by section 2 of the bill by striking out paragraph VI and renumbering the original paragraphs VII, VIII, IX and X to read as VI, VII, VIII, and IX, respectively.

Amend RSA 167-A:12 and RSA 167-A:13 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

167-A:12 Office Established. There is hereby established the office of ombudsman within the state council on aging. The office shall be responsible for receiving, servicing, investigating and resolving complaints made by or on behalf of patients, residents or clients of facilities relating to administrative action which may adversely affect the health, safety, welfare and civil and human rights of such persons.

167-A:13 Ombudsman. The director, subject to the approval of the council, shall hire a person as the administrator and chief executive officer of the office who shall be called ombudsman and who shall be a person qualified by professional training and experience to perform the duties of the office. The person so hired shall be a person qualified by training and experience in the field and shall have as minimum qualifications either a master's degree in the field of social work or shall be a registered nurse with a bachelor's degree and duly registered as a registered nurse in the state of New Hampshire. The ombudsman shall hire such other persons needed to perform the functions of this office. The ombudsman shall devote his entire time to the duties of his position and shall receive such salary as shall be provided in a classified position under regulations set forth in policy by the department of personnel.

Amend RSA 167-A:15 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

167-A:15 Powers and Duties. The ombudsman, as administrator and executive officer of the office, shall, subject to the approval of the director and council:

I. Adopt reasonable rules and regulations, pursuant to RSA 541-A, prescribing duties for the efficient conduct of the business, work and general administration of the office; and

II. Adopt and implement reasonable rules and regulations, pursuant to RSA 541-A, relative to eliciting, receiving, investigating, responding to and resolving complaints from patients, residents or clients of facilities, from the relatives or guardians of such persons or from other interested parties, public officials, or government agencies having an interest in the matter; and

III. Investigate and resolve complaints made by or on behalf of patients, residents or clients relating to administrative action which does or may adversely affect, the health, safety, welfare or civil or human rights of any patient, resident or client of a facility; and

IV. Adopt reasonable rules and regulations, pursuant to RSA 541-A, establishing procedures to assure that any files maintained by the ombudsman program shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of any complainant or patient, resident or client of a facility shall not be disclosed by such ombudsman unless:

(a) Such complainant or patient, resident or client, or his legal representative, consents in writing to such disclosure; or

(b) Such disclosure is required by court order; and

V. Be required as ordered by a court to testify in any judicial proceeding in any civil or criminal matter which is directly related to his role in providing protective services with respect to matters held to be confidential in this section; and

VI. Establish a state wide uniform reporting system to collect and analyze data relating to complaints and conditions in facilities for the purpose of identifying and resolving significant problems, with provision for submission of such data to the agency of the state responsible for licensing or certifying long-term care facilities in the state and to the director on a regular basis; and

VII. Adopt reasonable rules and regulations, pursuant to RSA 541-A, establishing procedures for appropriate access by the ombudsman to facilities and patients' records, including procedures to protect the confidentiality of records to which the representative of the office has access pursuant to RSA 167-A:16, I (b), and to ensure that the identity of any complainant or patient, resident or client will not be disclosed without the written consent of such complainant or patient, resident or client, or upon court order; and

VIII. Monitor the development and implementation of federal, state, and local

laws, regulations, and policies with respect to long-term care facilities in that state; and

IX. Provide information as appropriate to public agencies regarding the problems of older individuals residing in long-term care facilities; and

X. Provide for training volunteers and promote the development of citizen organizations to participate in the ombudsman program; and

XI. Carry out such other activities as the director deems appropriate.

Amend RSA 167-A:16, I, as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. In an investigation, the representative of the office may:

(a) Make the necessary inquiries and obtain such information as he deems necessary;

(b) Enter during normal working hours and, after notifying the person in charge of his presence, inspect the premises of a facility and inspect there any books, files, medical records or other records that pertain to patients, residents or clients and are required by law or regulation to be maintained by the facility.

Amend RSA 167-A:17 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

167-A:17 Immunity. No civil action shall be maintained against the council, the office, or their agents or employees, or against any organization or its members, or against any other person for or by reason of any statement, complaint, report or communication made in good faith to the office.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Appropriation. The sum of \$18,000 is hereby appropriated for the purposes of this act for the fiscal year ending June 30, 1980, and a like sum for the fiscal year ending June 30, 1981. Said appropriations shall be reduced by federal funds that may become available. The ombudsman and the state council on aging are authorized to apply for, accept and expend federal or private funds that may be made available for the purposes of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Reps. Wojnowski and Townsend spoke against the amendment.

Rep. Woodman spoke against the amendment and yielded to questions.

Rep. Nardi spoke in favor of the amendment and yielded to questions.

A division was requested.

66 members having voted in the affirmative and 143 in the negative, the amendment lost.

Ordered to third reading.

HB 327, establishing the air resources commission and the air resources agency as an independent commission and agency, providing for the transfer of funds, equipment and personnel thereof, and repealing certain provisions of the RSA. Ought to Pass with Amendment.

This amendment places New Hampshire in compliance with the Federal Clean Air Act. Rep. John B. Tucker for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the air pollution control commission and agency.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Paragraph. Amend RSA 125:92 by inserting after paragraph III the following new paragraph:

IV. The applicant shall be required to conduct preconstruction or premodification review procedures prior to commencement of construction of any new major stationary source, device, or modification to any existing major stationary source or device. Such procedures shall be sufficient to allow the director to make determinations that the proposed construction or modification will not cause or contribute to a failure to attain or maintain any ambient air quality standard, significant deterioration of air quality, or a violation of any applicable emission limitation or standard of performance. Prior to commencement of construction or modification, the applicant shall submit the required information to the director. Such preconstruction and premodification review requirements shall be no less stringent than, and shall require that no permit shall be issued for a source unless such source meets all the requirements for review and for obtaining a permit prescribed in the Clean Air Act.

2 New Paragraph. Amend RSA 125:93 by inserting after paragraph II the following new paragraph:

III. As a condition of any permit required, the agency may require payment of a fee to cover the reasonable costs of reviewing and acting upon the application for a permit and of implementing or enforcing the terms and conditions of a permit. The applicant shall pay any cost or expense associated with public notices or notifications in the permit process. Collection of fees shall be consistent with a fee schedule to be established by the commission by rule. Funds collected by the agency under this section shall be used by the agency and commission in the performance of their duties under this chapter.

3 New Sections. Amend RSA 125 by inserting after section 94 the following new sections:

125:95 Rehearings and Appeals. The promulgation of any rule, order, or decision of the commission regarding a request for a variance on the issuance, denial, suspension or revocation of any permit pursuant to this chapter may be the subject of a motion for rehearing and appeal by any person aggrieved, or party participating in the proceedings, in the following manner:

I. Motion for Reconsideration. Within 20 days after any decision of the commission, any person whose rights may be directly affected may file with the commission a motion for reconsideration of any matter determined by the commission in its decision, specifying in the motion the grounds therefor. The commission may reconsider and revise its decision if in its opinion good reason therefor is stated in said motion.

II. Specifications. Such motion shall set forth fully every ground upon which it is claimed that the decision of the commission is unlawful or unreasonable. No appeal from any decision of the commission shall be taken unless the appellant shall have made application for reconsideration as herein provided. When such application has been made, the court shall consider only grounds set forth therein, unless the court finds that good cause has been shown to allow the appellant to specify additional grounds.

III. Action on Motion. Within 10 days of the filing of the motion for reconsideration, the commission shall either grant or deny the motion of parts thereof, thereby either affirming, modifying, or reversing its decision.

IV. Appeal from Decision on Motion for Reconsideration. Within 30 days of the action taken by the commission on the motion for reconsideration, any person whose rights may be directly affected by said action may appeal by petition to the superior court.

V. Burden of Proof. On appeal to the superior court the burden of proof shall be upon the party seeking to set aside the decision of the commission to show that the same is unreasonable or unlawful, and all findings of the commission upon all questions of fact properly before it shall be deemed to be prima facie lawful and reasonable; and the order or decision appealed from shall not be set aside or vacated, except for errors of law, unless the court is persuaded by the balance of probabilities, on the evidence before it, that said decision is unjust or unreasonable.

VI. Parties. Any person whose rights may be directly affected by said appeal may appear and become a party, or the court may order such persons to be joined as parties, as justice may require.

VII. Procedure. Upon the filing of an appeal, the clerk of court shall issue an order of notice requiring a certified copy of the record appealed from to be filed with the court. The filing of an appeal shall not suspend the decision appealed from, unless the court, on application and for good cause shown, shall grant a restraining order.

VIII. Evidence; How Considered. All evidence transferred by the commission shall be, and all additional evidence received may be, considered by the court regardless of any technical rule which might have rendered the same inadmissible if originally offered in the trial of an action at law.

IX. Judgment. The final judgment upon every appeal shall be a decree dismissing the appeal, or vacating the decision complained of in whole or in part, as the case may be; but in case such decision is

wholly or partly vacated the court may also, in its discretion, remand the matter to the commission for such further proceedings, not inconsistent with the decree, as justice may require.

X. Appeals to Court; Certifying Record. An order of court to send up the record may be complied with by filing either the original papers or duly certified copies thereof, or of such portions thereof as the order may specify, together with a certified statement of such other facts as show the grounds of the action appealed from.

XI. Hearing, etc. The court may take evidence or appoint a master to take such evidence as it may direct and report the same with his findings of fact and conclusions of law.

XII. Costs. Costs shall not be allowed against the commission unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

XIII. Speedy Hearing. All proceedings under this section shall be entitled to a speedy hearing.

125:96 Enforcement.

I. Whenever the director or his authorized representative finds that a source of air pollution has resulted in a violation of any of the provisions of this chapter or any rules in force hereunder, the director shall issue a notice of violation and, where appropriate, an order of abatement establishing a compliance schedule with which said source shall comply. Any order of abatement shall become final and enforceable by the director within 10 days of its issuance unless an appeal is filed with the commission before the expiration of said 10 day period. The commission shall hold a hearing on any such appeal promptly, and shall thereafter issue a decision upholding, modifying or abrogating the director's order of abatement or any part thereof. The commission's decision shall become final 10 days after it is issued. Upon a finding by the director that the public health is threatened, he may issue an order of abatement requiring immediate compliance and said order shall be final and enforceable upon issuance, but may be appealed to the commission within 10 days of its issuance and the commission may, after hearing, uphold, modify or abrogate said order.

II. Any violation of this chapter and any rules or final orders in force hereunder shall be subject to enforcement by injunction, including mandatory injunction, issued by the superior court upon application of the director to the court in the county where the violation occurs or, if said court is in recess, to the Merrimack county superior court. Any such violation shall also be subject to a civil forfeiture to the state of not more than \$5,000. Any action for injunctive relief brought hereunder shall be given priority on the superior court calendar of the county wherein it is brought.

125:97 Variances.

I. Upon application, and after a hearing, the commission may suspend the enforcement of the whole or any part of this chapter or of any rule adopted hereunder in

the case of any person who shall show that the enforcement thereof would produce serious economic hardship on such person without equal or greater benefits to the public.

II. In determining under what conditions and to what extent the variance may be granted, the commission shall give due recognition to the progress which the person requesting such variance shall have made in eliminating or preventing air pollution; the character and degree of injury to, or interference with, the health and physical property of the people; and the social and economic value of the source of air pollution. In such cases, the commission shall consider the reasonableness of granting a variance conditioned on the person's effecting a partial abatement of pollution or a progressive abatement thereof or such other circumstances as the commission may deem reasonable. No variance shall be granted to any person applying therefor who is causing air pollution which creates a danger to public health, welfare or safety.

III. Any variance granted hereunder shall be granted for such period of time, not exceeding one year, as the commission shall specify. No variance shall be construed to relieve the person receiving it from any liability imposed by law for the commission or maintenance of a nuisance.

125:98 Penalty. Any person who violates any of the provisions of this subdivision or any rule of the air pollution control commission or who violates any order of the air pollution control agency shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person, and in addition thereto may be enjoined from continuing such violation. Each day the violation exists shall constitute a separate offense.

125:99 Existing Remedies Unimpaired. No existing civil or criminal remedy for any wrongful action which is a violation of any code or rule adopted hereunder shall be excluded or impaired by this subdivision.

125:100 Exemption; Steam Locomotives and Engines. The provisions of this subdivision shall not apply to any steam locomotives and engines or replacements thereof used in connection with the operation of a railroad or railway which were in operation or on order prior to January 1, 1973, and are located entirely within the state; provided that this exemption shall not apply to any stationary steam engine.

4 New Paragraph. Amend RSA 125:81 by inserting after paragraph XIV the following new paragraph:

XV. Implementing a program of prevention of significant deterioration of ambient air quality by establishing air quality increments limiting the maximum allowable increases in the amounts of air pollutants provided such increments are not less stringent than those specified in the Clean Air Act and amendments thereto, and in regulations promulgated thereunder.

5 Effective Date. This act shall take effect 60 days after its passage.

Reps. Greene, Rogers, Scamman and Gibbons spoke against the amendment.

Rep. LaMott spoke in favor of the amendment and yielded to questions.

Amendment lost.

Ordered to third reading.

HB 388, relative to the judicial budget procedure. Ought to Pass with Amendment.

This bill eliminates the requirement that the judicial branch submit its budget to the governor. Governor Gallen stated in his inaugural address that he favors direct submission of the judicial budget to the Legislature. Requirements are retained for preparation of the budgets on forms prescribed by the comptroller and in accordance with the time schedule for other state agencies. Unanimous vote of Committee. Rep. John B. Tucker for Appropriations.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definitions. Amend RSA 9:1 by striking out said section and inserting in place thereof the following:

9:1 Terms Used. In this chapter, the term "department" or "establishment" means any executive department, commission, board, institution, bureau, office, or other agency of the state government, by whatever name called, other than the legislature and the state judicial branch, that uses, expends or receives any state funds; the term "state funds" means any and all moneys appropriated by the legislature, or money collected by or for the state, or any agency thereof, pursuant to authority granted in any of its laws; the term "budget" means the budget document by this chapter required to be transmitted to the legislature.

2 Supreme Court. Amend RSA 9:4-a as inserted by 1969, 21:1 by striking out said section and inserting in place thereof the following:

9:4-a Judicial Branch Budget. The supreme court, the superior court, and the probate judges shall prepare their own budgets and the budgets of their respective components, which they shall deliver to the chief justice of the supreme court for review and transmittal to the speaker of the house, the president of the senate, the house appropriations committee, and the senate finance committee, for review and processing by the legislature according to the same time schedule for budgetary review and analysis required of executive agencies. The judicial branch budgets shall be prepared upon forms and according to procedures prescribed by the comptroller. The budget request documents and such additional information as may be requested shall be submitted to the comptroller for his information.

3 Transfer of Appropriations; Supreme Court. Amend RSA 9 by inserting after section 17-c the following new sections:

17-d Transfer of Appropriations, Supreme Court. The supreme court may transfer funds for any specific purposes to funds for other purposes in the general

appropriations for the supreme court and the probate court and may transfer funds within any functional unit of the courts, and shall certify such transfers to the comptroller, excepting only appropriations for the provisions of RSA 99:4, 9:17-a, I, II, II-a and IV, and 9:17-c. The certification shall state that the transfers are necessary to efficiently carry out the functions of the courts and that the legislative fiscal committee has approved the transfers.

17-e Audit of Judicial Branch. Other provisions of law notwithstanding, the chief justice of the supreme court shall pre-audit all claims of the judicial branch to be presented for the issuance of warrants and this certification shall be sufficient evidence for the director of the division of accounts to fulfill his responsibilities under the provisions of RSA 8:13, VII relative to debt incurred by the judicial branch.

4 Transfer of Appropriations, Superior Court. Amend RSA 9 by inserting after section 17-e the following new section:

17-f Transfer of Appropriations, Superior Court. The chief justice of the superior court, with the approval of the superior court budget committee, may transfer funds for any specific purposes to funds for other purposes in the general appropriations for the superior court and may transfer funds within any functional unit of the court, and shall certify such transfers to the comptroller, excepting only appropriations for the provisions of RSA 99:4, 9:17-a, I, II, II-a and IV, and 9:17-c. The certification shall state that the transfers are necessary to efficiently carry out the functions of the court and that the chief justice of the supreme court has been consulted about the transfers and the transfer has been approved by the legislative fiscal committee.

5 Director of Accounts - Duties. Amend RSA 8:13, II by inserting in line 3 after the word "branch" the following (and the state judicial branch) so that said paragraph as amended shall read as follows:

II. Prescribe a uniform system of accounts and reports of financial transactions for all departments and agencies of the state, other than those of the legislative branch and the state judicial branch, and supervise their maintenance; and he shall also prescribe accounting methods in accordance with which all agents and agencies of the state shall receive money for the state from sources outside the state treasury, and account therefor; and he shall establish such controls and make such rules and regulations as will provide an accurate record of all funds so received and covered into the treasury;

6 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 400, relative to the reorganization of the water resources board to include the development and promotion of energy resources and to rename such board as the water resources and energy authority. Inexpedient to Legislate.

This bill is in need of further study and a motion to commit to Science and Technology for study will be made. Unanimous vote of Committee. Rep. John B. Tucker for Appropriations.

Rep. Sackett moved that the words, Refer to Interim Study be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Nancy Gagnon and Heald spoke in favor of the motion.

Motion adopted.

Referred to the Committee on Resources, Recreation and Development for Interim Study.

HB 467, to establish the detoxification and rehabilitation of alcoholics program within the office of substance abuse and establishing a fund therefor. Inexpedient to Legislate.

The recommendation is based partly on the proposal that a new restricted fund be created from liquor revenues to fund the program. The basic aims of this bill are well covered by HB 835. Rep. John B. Tucker for Appropriations.

Rep. William Rilev moved that the words, Refer to Interim Study, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Adopted.

Referred to the Committee on Health and Welfare for Interim Study.

HB 473, reimbursing the town of Franconia for certain lost revenues and making an appropriation therefor. Inexpedient to Legislate.

Testimony showed the State had kept control over the facilities and the lessee was not the controller over these areas. Rep. John B. Tucker for Appropriations.

Rep. LaMott moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Pepitone and Tucker spoke in favor of the motion.

Motion adopted.

Ordered to third reading.

HB 483, relative to the commission of children and youth and making an appropriation therefor. Inexpedient to Legislate.

The Committee did not feel the need to increase the size of the Commission on Children and Youth, nor to build up the bureaucracy within that Commission.

Rep. John B. Tucker for Appropriations.

Rep. Epstein moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Sackett, Milton Cate, William Rilev and Granger spoke against the motion.

Reps. Thomson, Krasker, Tucker, Helen Wilson, Stahl and Bayhutt spoke in favor of the motion.

Rep. Parr spoke in favor of the motion and yielded to questions.

A division was requested.

169 members having voted in the affirmative and 92 in the negative, the motion lost, lacking the necessary two-thirds when less than two-thirds of the entire members are present.

The Speaker requested a quorum count.

The Speaker declared a quorum present.

Rep. Tucker moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate.

Adopted.

Question being on the substituted motion. Ordered to third reading.

HR 511, creating centralized land acquisition procedures; establishing a natural heritage conservation fund, making an appropriation therefor, and authorizing the issuance of bonds for such fund. Inexpedient to Legislate.

Land acquisition is provided for in the Capital Budget. Unanimous vote of Committee. Rep. John B. Tucker for Appropriations.

Rep. Williamson moved that the words, Ought to Pass, be substituted for the committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Tucker, Low and LaMott yielded to questions.

Reps. James J. White and Oleson spoke against the motion.

Rep. Heald spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 104 NAYS 184

YEAS 104

BELKNAP: Birch, Bordeau, Bowler, Hildreth, Nighswander, Sabhow and Sanders.

CARROLL: Roderick Allen, Chase and Desjardins.

CHESHIRE: Gordon, Johnson, Kohl, Ladd, Lynch, Matson, Miller, Proctor, William Riley and Russell.

COOS: Brungot, Guay, Horton and Theriault.

GRAFTON: Buckman, Chambers, Clark, Copenhaver, Crory, Michael King, Low and McAvoy.

HILLSBOROUGH: Arris, Compagna, Corser, Catherine-Ann Day, L. Penny Dion, Joseph Eaton, Hall, Hardy, Head, Heald, Hendrick, Jamrog, Keefe, Lamy, Murray, Naro, Nemzoff-Berman, Pastor, Plomaritis, Proulx, Reidy, Roy, Sallada, Edward Smith, Leonard Smith, Soucy, Stahl, Steiner, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Blakeney, Bodi, Carroll, Epstein, Packard, Ralph, Selway, Stio, Stokes, Rick Trombly and Underwood.

ROCKINGHAM: Butler, Carl Gage, Gibbons, Gould, Greene, Hartford, Hoar, Jones, Kozacka, Krasker, Laycock, Leslie, Parr, Pevear, Schmidtchen, Schwane, Freda Smith, Warburton, Wojnowski and Woodman.

STRAFFORD: DeNafio, Meader, Prav, Dennis Ramsey, Schreiber, Vallev and Whitehead.

SULLIVAN: Edmund Belak, David Campbell, Lucas and Williamson.

NAYS 184

BELKNAP: Beard, Gary Dionne, Downs, French, Hanson, Matheson and Morin.

CARROLL: Heath, Howard, Keller, Kenneth MacDonald, Kenneth Smith and Towle.

CHESHIRE: Jesse Davis, Ernst, Galloway, Moore, O'Connor, Margaret Ramsay and Vrakatitsis.

COOS: Burns, Chappell, Bradlev Haynes, Mayhew, Oleson, Richardson and Wiswell.

GRAFTON: Ira Allen, George Cate, Christy, Dearborn, Foster, LaMott, Logan, Lowmes, Mann, Peditone, Rounds, Seely, Snell, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainlev, Archambault, Aubut, Baker, Burkush, Carswell, Yvette Chagnon, Joseph Cote, Craig, Dolbec, Donovan, Drewniak, Beverlv Dupont, Gabrielle Gagnon, Nancy Gagnon, Granger, Howard Humphrey, Thomas Hynes, Karnis, Lahombard, Levesque, Lyons, Mazur, McLaughlin, Milton Meyers, Morgan, Morrison, Nardi, Odell, Perkins, Podles, Polak, David Ramsay, Record, Silva, Stylianos, Francis Sullivan, James Sullivan, Thiheault, Rock Tremblay, Vachon, Van Loan, Wallin, Eliot Ware, Weaver, Welch, Emma Wheeler, Kenneth Wheeler, James J. White and Zajdel.

MERRIMACK: Avles, Bellerose, Bibbo, Laurent Boucher, John Cate, Milton Cate, Clements, Colby, Daniell, Hill, Holliday, Kidder, LaBranche, Locke, Mitchell, Nichols, O'Neill, Plourde, William Roberts, Shepard, Gerald Smith, Stockman, Trachy, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Appel, Benton, Bisbee, Blake, Blanchette, Marilyn Campbell, Carpenito, Connors, Patricia Cote, Robert Dav, Ellvyn, Felch, Flanagan, Joseph Flynn, Beverlv Gage, Griffin, Jackson, Kane, Keenan, Roger King, Landrv, Lovejoy, McEachern, Nelson, Newell, Parolise, Peterson, Pucci, Quimby, Reese, Rogers, Scamman, Skinner, Splaine, Stickney, Stimmell, Sytek, Tavition, Vlack, Helen Wilson and Wolfson.

STRAFFORD: Cannev, Ronald Chagnon, Donnelly, Farnham, Gavin, Hebert, Joos, Lessard, Nadeau, Sackett, Donald Smith, Tripp and Vaughan.

SULLIVAN: Brodeur, Burrows, Cutting, D'Amante, Sim Gray, LeBrun, Palmer, Spaulding, Townsend, Tucker and Wiggins, and the motion lost.

Resolution adopted.

HR 531, relative to the application and expenditure of federal funds and making an appropriation therefor. Ought to Pass with Amendment.

The Committee felt that legislative supervision of the acceptance and expenditure of federal funds is of high importance.

The Committee amendment removes the provisions whereby the Legislature would be called into session every interim year to consider the acceptance of federal funds. With the amendment, the review of federal funds applications would be the responsibility of the Legislative Fiscal Committee when the Legislature is not in session. Further, the amendment clarifies the responsibilities of the Comptroller and appropriates funds for the management of acceptance and review system. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 174-A:6, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. No state agency may accept federal funds, except emergency funds, unless authorized to do so by the general court in the form of a concurrent resolution, when the general court is in session. When the general court is not in session, no state agency may accept federal funds, except emergency funds, unless authorized to do so by the fiscal committee.

Amend RSA 174-A:12, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. The comptroller with respect to agencies in the executive branch, the chief justice of the supreme court with regard to the judicial branch, and the presiding officers with respect to the legislative branch shall supervise the administration of all federal funds received. To that end they shall have the following powers and duties:

(a) To establish uniform rules pursuant to RSA 541-A for agencies to follow in applying for, receiving and administering federal funds including but not limited to a grant accounting system incorporating generally accepted accounting principles and adequate internal controls in conformity with federal requirements;

(b) To act as a clearing house for grantee agency questions and a source of assistance when problems arise;

(c) To conduct conferences at the start of each program with grantee agency officials to review grant objectives, accounting, auditing reporting requirements, and any other matters deemed appropriate;

(d) To maintain a central register of requested and authorized programs by agency; and

(e) To ensure that all applications for federal funds comply with the provisions of this chapter.

Amend the bill by striking out all after section one and inserting in place thereof the following:

2 Current Grants. All applications for federal grants, grant authorizations, renewals and programs in effect on being processed on the effective date of this act shall be allowed to continue under and be subject to the requirements governing

federal funds, authorizations and grants presently applicable.

3 Appropriation. There is hereby appropriated to be expended by the comptroller pursuant to the provisions of RSA 174-A:13 the sum of \$10,000 for fiscal year 1980 and the sum of \$10,000 for fiscal year 1981. There is hereby further appropriated to be expended by the comptroller for the administration of chapter 174-A the sum of \$36,658 for the fiscal year 1980 and the sum of \$35,594 for the fiscal year 1981 budgeted as follows:

Class	Fiscal Year	
	1980	1981
10 Permanent Personnel Services		
Classified Employees		
1 Accountant III LG 20 Min	\$ 12,115	\$ 12,756
1 Accountant Steno II LG 9 Min	<u>8,051</u>	<u>8,363</u>
Total Permanent Personnel Services	20,166	21,119
20 Current Expense		
Telephone - 1 line 3 sets	691	576
Supplies	1,000	1,000
Photocopy	1,500	1,500
Miscellaneous	<u>200</u>	<u>200</u>
	3,391	3,276
30 Equipment		
2 desks	480	-----
2 chairs	267	-----
2 file cabinets	300	-----
2 calculators	320	-----
1 electric typewriter	<u>700</u>	-----
Total	2,067	-----
50 Other Personnel Services		
Temporary and Part-time Help	<u>5,000</u>	<u>5,000</u>
Total Other Personnel Services	5,000	5,000
60 Benefits		
Permanent Personnel Services	3,227	3,379
Other Personnel Services	<u>307</u>	<u>320</u>
Total Benefits	3,534	3,699
70 In State Travel	500	500
80 Out of State Travel	1,000	1,000
90 Resource Library Material	<u>1,000</u>	<u>1,000</u>
Total All Classes	36,658	35,594

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Repeal.

I. RSA 4:12-a, III relative to the coordinator of federal funds receiving accounts from state departments is hereby repealed.

II. RSA 124 relative to federal aid is hereby repealed.

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Chase offered an amendment.

Amendment

Amend RSA 124-A:6, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. No state agency may accept federal funds, except emergency funds, unless authorized to do so by the general court in the form of a concurrent resolution. When the general court is not in session, no state agency may accept federal funds, except emergency funds.

The Assistant Clerk read the amendment.

Rep. Chase explained the amendment.

Reps. Hanson and Tucker spoke against the amendment and yielded to questions.

Reps. Ward and Plourde spoke against the amendment.

Rep. Rod Allen spoke in favor of the amendment.

Rep. Kidder yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 58 NAYS 247

YFAS 58

BELKNAP: Downs and Sanders.

CARROLL: Roderick Allen, Chase and Towle.

CHESHIRE: Johnson, Nims and William Rilev.

COOS: None.

GRAFTON: Buckman, Clark, Copenhaver, Michael King and Low.

HILLSBOROUGH: Baker, Bover, Burkush, Joseph Cote, Catherine-Ann Day, Joseph Eaton, Hall, Hardy, Jamrog, Mazur, McLaughlin, Milton Meyers, Aime Paradis, Proulx, Reidy, Wallin, Kenneth Wheeler, Robert Wheeler and Zajdel.

MERRIMACK: Blakenev, Daniell, Epstein, Ralph, Selway and Shepard.

ROCKINGHAM: Dunfey, Ellyson, Gihbons, Kashulines, Keenan, Landry, Parolise, Peterson, Pucci and Warburton.

STRAFFORD: Ronald Chagnon, Dianne Herchek, Joos, Morrisette and Vaughan.

SULLIVAN: Edmund Belak, Brodeur, D'Amante, LeBrun and Williamson.

Nays 247

BELKNAP: Beard, Birch, Bordeau, Bowler, Gary Dionne, French, Hanson, Hildreth, Mansfield, Matheson, Morin, Nighswander and Sabbow.

CARROLL: Desjardins, Heath, Howard, Keller, Kenneth MacDonald and Kenneth Smith.

CHESHIRE: Baybutt, Callahan, Jesse Davis, Daniel Eaton, Ernst, Calloway, Gordon, Kohl, Ladd, Lynch, Matson, Miller, O'Connor, Proctor, Margaret Ramsay, Russell, Vrakatitsis and Jean White.

COOS: Burns, Chappell, Guay, Bradley Haynes, Horton, Mavhew, Oleson, Richardson, Theriault and Wiswell.

GRAFTON: Ira Allen, George Cate, Chambers, Christy, Dearborn, Foster, LaMott, Logan, Lowmes, Mann, McAvoy, Pepitone, Rounds, Seely, Snell, Thomson, Ward, Andrew Ware and Wood.

HILLSBOROUGH: Ainley, Archambault, Arris, Aubut, Rosse, Carswell, Yvette Chagnon, Compagna, Corser, Craig, L. Penny Dion, Dolbec, Donovan, Drewniak, Clyde Eaton, Gabrielle Gagnon, Nancy Gagnon, Granger, Head, Heald, Healy, Hendrick, Howard Humphrey, Thomas Hynes, Kaklamanos, Karnis, Keefe, Labombarde, Lamv, Levesque, Lyons, Martel, Morgan, Morrison, Mulligan, Murray, Nardi, Naro, Nemzoff-Berman, Odell, Pappas, Pastor, Perkins, Plomaritis, Podles, Polak, David Ramsav, Peter Ramsev, Record, Roy, Sallada, Silva, Edward Smith, Soucy, Spirou, Stahl, Steiner, Stvlianos, Francis Sullivan, James Sullivan, Thibeault, Rock Tremblay, Vachon, Van Loan, Eliot Ware, Weaver, Welch, Emma Wheeler, James J. White and M. Arnold Wight.

MERRIMACK: Ayles, Bellerose, Bibbo, Bodi, Laurent Boucher, Carroll, John Cate, Milton Cate, Clements, Colby, Hill, Holliday, Kidder, LaBranche, Locke, Mitchell, Nichols, O'Neill, Plourde, Randlett, Doris Riley, William Roberts, Stio, Stockman, Stokes, Trachy, Rick Tromblv, Underwood, Ernest Valliere and Waters.

ROCKINGHAM: Aeschliman, Appel, Benton, Bishee, Blake, Blanchette, Butler, Marilyn Campbell, Carpenito, Collins, Connors, Patricia Cote, Robert Dav, Felch, Flanagan, Joseph Flynn, Beverly Gage, Gould, Greene, Griffin, Hartford, Hoar, Jackson, Jones, Kane, Krasker, Lavcock, Leslie, Lovejoy, McEachern, Nelson, Newell, Parr, Pevar, Quimby, Reese, Rogers, Schmidtchen, Schwaner, Skinner, Freda Smith, Splaine, Stickney, Stimmell, Svtok, Tavitian, Vartanian, Vlack, Helen Wilson, Wojnowski, Wolfsen and Woodman.

STRAFFORD: Burchell, Cannev, DeNafio, Donnellv, Farnham, Gauvin, Gosselin, Hebert, Lessard, Meader, Nadeau, Pray, Dennis Ramsey, Sackett, Schreiber, Donald Smith, Tripp and Valley.

SULLIVAN: David Campbell, Cutting, Sim Gray, Lucas, Palmer, Spaulding, Townsend, Tucker and Wiggins, and the amendment lost.

Question being on the adoption of the committee report as amended.

Rep. Hanson yielded to questions.

Rep. Ward spoke to the committee report. Ordered to third reading.

HB 701, to establish a division of occupational licensing, certification and registration and to recodify and standardize the statutes of various occupational boards. Ought to Pass with Amendment.

Unanimous vote of Committee. The necessary allocations are being recommended to implement the reorganization of boards and

commissions. Revenues are available within the fees collected. Rep. John B. Tucker for Appropriations.

Amendment

Amend RSA 5:27 as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

5:27 Director of Licensing. There shall be a director of licensing who shall be recommended by the secretary of state and appointed by the governor and council for a term of 5 years from the date of appointment and until his successor is appointed and qualified. The director shall be qualified by education and experience.

Amend RSA 5:29 as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

5:29 Legal Services. The attorney general shall provide the division with legal services as it requires.

Amend RSA 5 as inserted by section 4 of the bill by inserting after section 30 the following new section:

5:31 Sunset Review. The joint legislative committee on review of agencies and programs, established under PSA 17-F, shall review the division and its programs, pursuant to the review procedure in RSA 17-G, not later than 3 years from the date of the establishment of the division.

Amend the bill by striking out section 37 and inserting in place thereof the following:

37 Appropriation. There is hereby appropriated the sum of \$156,021 for fiscal year 1980 and the sum of \$195,040 for fiscal year 1981 for purposes of this act. Said sums shall be expended as follows:

	1980	1981
10 Permanent Personal Services	34,082	77,279
11 Salary of the Director	17,660	22,500
20 Current Expenses	12,850	17,500
30 Equipment	7,000	4,000
50 Other Personal Services	-0-	7,000
60 Benefits	8,279	16,412
70 Travel in-state	400	400
80 Travel out-of-state	1,000	1,500
90 Development of Automated Services*	50,000	-0-
91 Legal Services**	-0-	21,200
92 Consulting Fees	3,000	500
93 Hearing Officers fund	-0-	5,000
94 Per Diem Increase fund	21,750	21,750
Total	\$156,021	\$195,041

The governor is authorized to draw his warrant for the sums herein appropriated out of any money in the treasury not otherwise appropriated.

*Includes \$40,000 for the purchase of software and \$10,000 for the purchase of hardware.

**The division of occupational licensing, certification and registration shall transfer funds from this appropriation to the division of legal counsel, office of the attorney general to pay for legal services provided by the division of legal counsel. The general fund appropriation for

the division of legal counsel shall be reduced by the amount of the transfer.

38 Effective Date.

I. Sections 4 and 5 of this act shall take effect 60 days after its passage.

II. Sections 10, 11 and 12 of this act shall take effect October 1, 1980 except that RSA 309-B:1, II as inserted by section 10 of this act shall only take effect April 1, 1981.

III. The remainder of this act shall take effect April 1, 1981.

Amend RSA 316-A:9 as inserted by section 14 of the bill by striking out same and inserting in place thereof the following:

316-A:9 Renewal and Continuing Education. Any person licensed to practice chiropractic by the state may renew the license upon application and payment of a fee of \$40. The licensee shall submit satisfactory evidence of continuing education by annually attending at least one seminar approved by or conducted by the International Chiropractors Association, the American Chiropractic Association or the New Hampshire chiropractic board of examiners within one year prior to the date of renewal. If the licensee fails to comply with the provisions of this section, he or she shall appear before the board to show cause why his license should not be suspended.

Amendment adopted.

Reps. Marilyn Campbell and Townsend spoke to the committee report.

Ordered to third reading.

Rep. Willey notified the Clerk he wished to be recorded in favor of HB 701.

HB 853, relative to legal representation for social workers. Ought to Pass. Unanimous vote of Committee. The Committee feels this bill is important to aid social workers and was requested by the department. Rep. John B. Tucker for Appropriations.

Rep. Healy moved that the words, Inexpedient to Legislate, be substituted for the committee report, Ought to Pass, and spoke to his motion.

Rep. Healy requested a roll call. Sufficiently seconded.

(Speaker presiding)
YEAS 120 NAYS 172
YEAS 120

BELKNAP: Birch, Downs, Mansfield and Morin.

CARROLL: Heath, Kenneth MacDonald and Towle.

CHESHIRE: Callahan, Johnson, Kohl, Matson, Nims, O'Connor and Jean White.

COOS: Brungot, Burns, Guav, Horton, Mayhew, Oleson and Richardson.

GRAFTON: Ira Allen, George Cate, Christy, Foster, Low, McAvoy, Snell, Thomson and Andrew Ware.

HILLSBOROUGH: Archambault, Aubut, Baker, Burkush, Compagna, Joseph Cote, Dolbec,

Drewniak, Clyde Eaton, Joseph Eaton, Gabrielle Gagnon, Granger, Hall, Healy, Howard Humphrey, Thomas Hynes, Jamrog, Karnis, Labombarde, Levesque, Martel, Mazur, McLaughlin, Milton Meyers, Morgan, Perkins, Podles, Polak, Proulx, David Ramsay, Record, Reidy, Silva, Stylianos, Francis Sullivan, James Sullivan, Thiheault, Rock Tremblay, Wallace, Wallin, Eliot Ware, Weaver, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight and Zajdel.

MERRIMACK: Ayles, Bellerose, John Cate, Milton Cate, Daniell, James Humphrey, LaBranche, Locke, Mitchell, Plourde, Ralph, Randlett, Doris Riley, William Roberts and Waters.

ROCKINGHAM: Bishee, Blake, Connors, Patricia Cote, Robert Day, Ellyson, Gould, Jackson, Roger King, McEachern, Nelson, Parolise, Peterson, Pevear, Rogers, Schmidtchen, Splaine, Vartanian and Woodman.

STRAFFORD: Ronald Chagnon, Donnelly, Joos, Dennis Ramsey and Tripp.

SULLIVAN: Brodeur, Burrows, Sim Gray, LeBrun and Wiggins.

Nays 172

BFLKNAP: Beard, Bordeaux, Gary Dionne, French, Hanson, Hildreth, Nighswander, Sabbow and Sanders.

CARROLL: Roderick Allen, Chase, Desiardins, Howard, Keller and Kenneth Smith.

CHESHIRE: Jesse Davis, Daniel Eaton, Ernst, Galloway, Gordon, Ladd, Lynch, Miller, Proctor, Margaret Ramsay, William Rilev and Russell.

COOS: Chappell, Bradley Haynes, Theriault and Wiswell.

GRAFTON: Buckman, Chambers, Copenhaver, Crory, Michael King, LaMott, Logan, Lowmes, Mann, Pepitone, Rounds, Seely and Ward.

HILLSBOROUGH: Ainley, Arris, Bosse, Boyer, Carswell, Craig, Catherine-Ann Day, Donovan, Nancy Gagnon, Hardy, Head, Heald, Kaklamanos, Keefe, Lamv, Lyons, Morrison, Mulligan, Murrav, Nardi, Odell, Pappas, Plomaritis, Peter Ramsev, Rov, Sallada, Edward Smith, Leonard Smith, Soucy, Stahl, Steiner, Vachon, Van Loan, Welch, Robert Wheeler, and James White.

MERRIMACK: Bibbo, Blakeney, Bodi, Carroll, Clements, Colby, Epstein, Holliday, Kidder, Nichols, O'Neill, Packard, Selway, Shepard, Stio, Stockman, Stokes, Trachy, Rick Trombly, Underwood and Ernest Valliere.

ROCKINGHAM: Aeschliman, Appel, Benton, Blanchette, Butler, Marilyn Campbell, Carpenito, Collins, Joseph Flynn, Beverly Gage, Carl Gage, Greene, Griffin, Hartford, Hoar, Jones, Kane, Kashulines, Keenan, Kozacka, Krasker, Landry, Lavcock, Leslie, Lovejoy, Newell, Parr, Pucci, Quimby, Reese, Scamman, Schwaner, Skinner, Freda Smith, Stickney, Stimmell, Sytek, Tavitian, Vlack,

Warburton, Helen Wilson, Wojnowski and Wolfesen.

STRAFFORD: Burchell, Cannev, DeNafio, Farnham, Gauvin, Gosselin, Hebert, Dianne Hercek, Lessard, Meader, Morrisette, Nadeau, Pray, Sackett, Schreiber, Donald Smith, Vallev, Vaughan and Whitehead.

SULLIVAN: Edmund Belak, David Campbell, Cutting, Lucas, Palmer, Spaulding, Townsend, Tucker and Williamson, and the motion lost.
Ordered to third reading.

HB 877, making an appropriation for capital improvements. Ought to Pass. Rep. John B. Tucker for Appropriations.

Rep. Tucker offered an amendment.

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT
making an appropriation for capital
improvements and extension of previous appropriations.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I Appropriation. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant general

Concord armory paving	\$ 50,000**	
Total paragraph I		50,000

II. Administration and Control

A. Energy conservation and management for 9 selected state buildings in Concord	1,338,000	
B. Addition to records and archives design and planning	44,000	
C. Executive council and governor's offices - furnishings	44,000*	
D. Attorney general - furniture and equipment	176,718*	
E. Arts acquisition fund (limited to 1% of general funds new construction if HB 430 becomes law)	<u>51,520</u>	
Total paragraph II		1,654,238

III. Aeronautics Commission

A. Keene		
Rehabilitate taxiway RW 2 - 20	75,000	
Less federal	60,000	
Net appropriation paragraph A	15,000*	
B. Lebanon		
(1) Taxiway extension	100,000	
Less federal	80,000	
Net appropriation paragraph (1)	<u>20,000**</u>	
(2) Extend RW 18 - 36 1300' x 150'	750,000	
Less federal	600,000	
Net appropriation paragraph (2)	<u>150,000</u>	
Net appropriation paragraph B	170,000	
C. Manchester		
Major repairs and/or rebuild RW 17 - 35	1,050,000	
Less federal	840,000	
Net appropriation paragraph C	<u>210,000</u>	
D. Berlin		
Land acquisitions and hazard beacons	68,000	
Less federal	61,200	
Net appropriation paragraph D	<u>6,800</u>	
E. Rochester		
Master plan	26,600	
Less federal	21,600	
Net appropriation paragraph E	<u>5,000</u>	
F. Nashua		
Land ILS	330,000	
Less federal	264,000	
Net appropriation paragraph F	<u>66,000</u>	
Total paragraph III		472,800

IV. Education

A. Seacoast area voc-tech
college
Site acquisition, design and
planning (test borings to
be completed and accepted
as suitable for construction
by the department of public
works and highways prior to

expending any funds for design and planning)	500,000	
Total paragraph A	<u>500,000</u>	
B. Berlin voc-tech college		
(1) Design and planning for library, electricity, electronics addition and renovation	118,000	
(2) Sewer connection	19,000	
(3) Natural resources equipment	15,000**	
(4) Business equipment	15,000**	
Total paragraph B	<u>167,000</u>	
C. N.H. technical institute - Concord		
(1) Boiler conversion burners	25,000**	
(2) Computer lab air conditioner	11,000*	
(3) Business office equipment	10,000**	
(4) Dental equipment (equipment should be of standardized American manufacture)	93,000**	
Total paragraph C	<u>139,000</u>	
D. Claremont voc-tech college		
(1) Snow removal equipment	13,800**	
(2) Electronic - electricity equipment	56,600*	
(3) Business department equipment	13,200**	
(4) Allied health equipment	13,800**	
Total paragraph D	<u>97,400</u>	
E. Laconia voc-tech college		
(1) Classroom - laboratory building	1,454,000	
(2) Furnishings and equipment	97,000*	
Total paragraph E	<u>1,551,000</u>	
F. Manchester voc-tech college		
(1) Classroom - laboratory building	3,340,000	
(2) Furnishings and equipment	575,000*	
(3) Roof repairs	103,000**	
(4) Machine tool equipment	20,000**	
Total paragraph F	<u>4,038,000</u>	
G. Nashua voc-tech college		
(1) Machine tool equipment	15,000**	
(2) Automotive equipment	17,200**	
(3) Secretarial science equipment	10,500**	
(4) Design and planning class- room, laboratory and cafeteria	201,600	
Total paragraph G	<u>244,300</u>	
Total paragraph IV		6,736,700
V. Port Authority		
Engineering design study phase I	<u>25,000</u>	
Total paragraph V		25,000
VI. Health and Welfare		
A. Glencliff		
(1) Penstock replacement	105,000	
(2) Sprinkler system - Adams Hall	22,000	
(3) Fire safety renovations	27,000	
(4) Patient call system	20,000**	
(5) Reface concrete on hydropower dam	25,000	
Total paragraph A	<u>199,000</u>	
B. New Hampshire hospital		
(1) New elevator in Dolloff building	168,000	
(2) Fire safety renovations	26,600	
(3) Exit renovations - Johnson Hall	6,800	
(4) New exit - Londergan Hall	14,100	
(5) Pharmacy air conditioning	15,000*	
(6) Tumbler dryers	25,000**	

(7) Sheet folder	18,500**	
(8) Laundry extractor	16,000**	
(9) Roof repairs - Walker building	40,000**	
Total paragraph B	<u>330,000</u>	
C. Laconia state school		
(1) Roof repairs	55,000**	
(2) Life safety code renovations - King	155,000	
(3) Life safety code renovations - Blood	455,000	
(4) Privacy and bathroom modifications	375,000	
(5) Repair steam line	55,000	
Total paragraph C	<u>1,095,000</u>	
Total paragraph VI		1,624,000

VII. Resources and Economic Development

A. Office of commissioner Repair, removal, relocation of department buildings (including compliance with handicapped access requirements)

85,000*
85,000*

B. Division of parks and recreation

- (1) Seacoast improvements -
 (a) Rye Beach - toilet building 60,000
 (b) North Hampton beach - toilet building 60,000
 (c) Hampton north beach - seawall - complete gunite repairs 65,000

Total paragraph (1) 185,000*

- (2) Bear Brook state park - bath house 20,000*
- (3) Mt. Sunapee state park - north peak chairlift mechanical overhaul 175,000*
- (4) Crawford Notch state park - replace dam 100,000
- (5) Pawtuckaway state park - boat launch ramp 25,000
- (6) Ellacoya state park - new beach area 150,000
- (7) Forest Lake state park - bath house 38,000
- (8) Silver Lake state park - parking improvements 35,000

Total paragraph B 728,000

Less federal 148,000

Net appropriation paragraph B 580,000

C. Land acquisition projects

- (1) Bear Brook 275,000
- (2) Coastal properties (not to be acquired through eminent domain) 250,000
- (3) Coleman 20,000
- (4) Monadnock 20,000
- (5) Mast Yard 22,500
- (6) White Lake 20,000
- (7) Annett 250,000
- (8) Greenfield 75,000
- (9) Trail acquisition 75,000
- (10) Winslow Site, Wilmot Flats 72,000
- (11) Administrative costs for land acquisition-appraisals, title work, surveys and taxes 53,975

Total paragraph C 1,133,475

Less federal 539,750

Net appropriation paragraph C 593,725

Total paragraph VII 1,258,725

VIII. Safety

- A. Glendale boathouse renovations (to be appropriated from the general funds) 28,000

- B. Fork lift (to be appropriated

	from the general funds)	20,000*	
C.	Department of safety sub-station and state police barracks, Twin Mountain sub-station and state police barracks on state owned land (to be appropriated from the highway fund)	358,000	
D.	Moultonboro - site acquisition (to be appropriated from the highway funds)	<u>25,000</u>	431,000
Total paragraph VIII			
IX. State Prison			
A.	Administration building roof repairs	21,700**	
B.	Purchase and renovate halfway house - Hillsborough	135,000	
C.	Life and fire safety	27,000	
D.	Food service renovations	108,000	
E.	Wall repairs	75,000	
F.	Prison industries equipment	115,000*	
G.	Excavation and snow removal equipment	35,000*	
H.	Design and planning 100 bed unit	<u>125,000</u>	641,700
Total paragraph IX			
X. Supreme Court			
A.	Roof repair and alterations	64,000**	
B.	Expansion of courthouse	<u>412,750</u>	476,750
Total paragraph X			
XI. New Hampshire Veterans Home			
	Roof repair - Welch building	<u>98,000**</u>	98,000
Total paragraph XI			
XII. Water Resources Board			
A.	Construction division		
	(1) Suncook Lake dam	31,250	
	(2) Horace Lake dam (this dam shall not be repaired until such time as there is public access and the water impounded is declared public water)	147,000	
	(3) Grafton Pond	149,250	
	(4) Hermit Lake dam	136,300	
	(5) Cedar Pond dam	45,500	
Total paragraph A		<u>509,300</u>	
B.	Public Law 566 projects		
	(1) Sugar River Watershed Site D2	1,698,000	
	Less federal	1,500,000	
	Less other	<u>122,000</u>	
	Net appropriation paragraph (1)	76,000	
	(2) Sugar River Watershed Site C9	1,188,700	
	Less federal	<u>1,045,000</u>	
	Net appropriation paragraph (2)	143,700	
	Net appropriation paragraph B	<u>219,700</u>	729,000
Total paragraph XII			
XIII. Youth Development Center			
A.	Replacement of underground steamlines	75,000	
B.	Repairs to swimming pool complex	74,000	
C.	Roof replacement - Riverview House	5,200**	
D.	New ramp and roof at kitchen area	15,200	
E.	Upgrade fire alarm systems	51,800	
F.	Site designing and planning for halfway house - seacoast area	<u>25,000</u>	246,200
Total paragraph XIII			
XIV. Department of Labor			
	Handicapped renovations - 16 Pillsbury St.	<u>60,000</u>	60,000
Total paragraph XIV			

XV. Public Works and Highways		
A. Satellite garage - division 3 area	277,000	
B. Computer room expansion	79,200	
C. Roof moisture meter	<u>6,200*</u>	
Total paragraph XV		
(to be appropriated from the highway fund)		362,400
Total state appropriation section 1		14,866,513

*To be 5 year bonds.

**To be 10 year bonds.

2 Appropriation, University of New Hampshire System. The sums hereinafter detailed in this section are hereby appropriated for the projects specified, including but not limited to the purchasing, constructing, furnishing and equipping thereof, to the trustees of the university of New Hampshire system:

I. University system, all campuses		
Energy conservation studies	<u>80,000</u>	
Total paragraph I		80,000
II. Durham campus		
(a) Hood house - design, planning study patient flow	70,000	
(b) Health studies and arts - phase I design	285,000	
(c) Roofing and other major repairs	350,000*	
(d) Implementation of energy study - phase I	<u>1,874,000</u>	
Total paragraph II		2,579,000
III. Keene campus		
(a) Roof repairs	105,000*	
(b) Acquisition and development of athletic and recreational facilities	250,000	
(c) Land acquisition within campus master plan as available (non-lapsing)	<u>160,000</u>	
Total paragraph III		515,000
IV. Plymouth campus		
Roofing and other major repairs	75,000*	
Total paragraph IV		75,000
V. New Hampshire network		
(a) New channel 11 and Lakes region transmitter (every effort shall be made to locate on existing state or university owned land)	2,170,000	
(b) Legal and regulatory fees	<u>40,000</u>	
Total paragraph V		2,210,000
Total section 2		\$ <u>5,459,000</u>
*To be 5 year bonds.		

3 Appropriation; Self-liquidating. The following sums are hereby appropriated for the purpose of acquiring land and constructing, furnishing and equipping housing, utilities and recreation and parking spaces at the university of New Hampshire system:

I. Keene campus - new residence halls	\$1,748,000*	
Furniture for new residence halls	<u>120,000**</u>	
Total paragraph I		1,868,000
II. Plymouth campus -		
Mary Lyon hall wiring replacement	<u>450,000*</u>	
Total paragraph II		450,000

*Construction and renovations on 30-year bonds. To be self-amortizing in accordance with RSA 187:10-a.

**Furnishings on 5-year note. To be self-amortizing in accordance with RSA 187:10-a.

Total section 3 \$ 2,318,000

4 Extension of Certain N.H. Hospital Project. The appropriation made to the department of health and welfare, New Hampshire hospital in 1976, 55:4, I to reconstruct, renovate and equip the Brown building is hereby extended to June 30, 1980.

5 Pleasant View Project Extended. The appropriation made to the department of health and welfare, New Hampshire hospital by 1976, 55:4, III as amended by 1978, 49:16 for the Pleasant View Home is extended to June 30, 1980.

6 Rochester Airport Project. Amend 1978, 49:1, III, D (1) by striking out said subparagraph and inserting in place thereof the following:

(1) Rehabilitate runway and taxiway	10,400
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7 Berlin Wayside Area. The appropriation made to the department of resources and economic development, division of parks, for the Berlin wayside area by 1971, 559:1, VII (1) (b) as amended by 1974, 38:16 and 1978, 49:17, I shall not lapse until June 30, 1980.

8 Hampton Harbor Pier. The appropriation made to the department of resources and economic development for the pier and boating facilities in Hampton harbor by 1974, 50:4 as amended by 1978, 49:23 shall not lapse until June 30, 1980.

9 Lapse of Unencumbered Balances. The unencumbered balances appropriated by the following laws for the following appropriations are hereby lapsed and the amount of bonds authorized to fund the projects are hereby reduced accordingly:

Laws	Project
I. 1975, 504:1, X (d)(5) as amended by 1978, 49:17, II	Berlin Nordic center (Account No. 920430-90)
II. 1975, 504:1, X (d)(8) as amended by 1978, 49:17, II	Cannon Tramway study (Account No. 920460-90)
III. 1975, 276:1	Sunapee Snowmaking (Account No. 920780-90)

10 Expenditures; General. The appropriation made for the purposes mentioned in section one of this act and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein, provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

11 Land Acquisition. Any land acquired under the appropriations made in section one except such land, if any, as may be acquired under the appropriation for the water resources board, shall be purchased by the commissioner of public works and highways with the approval of governor and council.

12 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2 and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$22,643,513 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purpose of paragraphs II C and D, III A, IV C (2), IV D (2), IV E (2), IV F (2), VI B (5), VII A, VII B (1), (2) and (3), VIII B, IX F and G, and XV C of section one of this act shall have a maturity of 5 years from the date of issue; provided, further, that the bonds issued for the purpose of paragraphs I, III B, IV B (3) and (4), IV C (1), IV C (3) and (4), IV D (1), IV D (3) and (4), IV F (3) and (4), IV G (1), (2) and (3), VI A (4), VI B (6), (7), (8) and (9), VI C (1), IX A, X A, XI, and XIII C of section one of this act shall have a maturity of 10 years from the date of issue; and provided that the bonds issued for the purpose of paragraphs II C, III A and IV in section 2 of this act shall have a maturity of 5 years from the date of issue.

13 Payments. The payment of principal and interest on bonds and notes issued for the projects in sections 1, 2 and 3 shall be made when due from the general funds of the state; provided, however, that the payment of

principal and interest on bonds issued for projects in paragraphs VIII, C and D and paragraph XV of section one shall be made from the highway fund.

14 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under section one of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 12 of this act shall be reduced by the same amount; provided, however, that the provisions of this paragraph shall not apply to public law 566 projects.

15 Transfers. The individual project appropriations, as provided in sections 1 and 2 of this act shall not be transferred or expended for any other purposes; provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section, having the same amortization period.

16 Reduction of Appropriations and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 2 and 3 of this act is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor shall be reduced by the same proportion as the proportion by which federal, local or other funds are reduced; provided, however, that the provisions of this section shall not apply to public law 566 projects. The amount of bonding authorized by section 12 of this act shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

17 Expenditures, University of New Hampshire.

I. The appropriations made for the purposes mentioned in sections 2 and 3 and the sums available for these projects shall be expended by the trustees of the University of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. Availability of Appropriation. The appropriations made in sections 2 and 3 are available for all costs incidental to land acquisition and the erection, furnishing, and equipping of these facilities and recreation and parking spaces, including the necessary extension of utilities, and include the cost of the services of architects, engineers, and other consultants of such kind and capacity as the university board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines, and include the cost of furnishing and equipping the facilities with moveable equipment and furnishings not affixed to the buildings, and which are not listed in the specifications approved for implementation of the construction plans. These monies shall be spent under the direction of the university board of trustees.

III. Rejection of Low Bids. If, in the judgment of the trustees of the university, just cause exists indicating the lowest bid shall be rejected, then the contract may be awarded to the next lowest bidder.

IV. Rejection of All Bids. The board of trustees of the university has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

18 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187:24, or appropriation in lieu thereof, for each fiscal year such sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of sections 2 and 3 of this act.

19 Lapse of Hayes Project. Amend 1975, 504:1, VI (a) as amended by 1978, 49:22 by striking out said subparagraph and inserting in place thereof the following:

(a) James H. Hayes building including architectural and engineering costs	\$4,000,000*
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*This sum shall not lapse until July 1, 1979.

20 Effective Date. This act shall take effect July 1, 1979.

Amendment adopted.
Ordered to third reading.

ENROLLED BILLS REPORT

HB 171, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 20 years.

HB 646, relative to the New Hampshire state prison participating in the national interstate corrections compact.

HB 638, amending the definition of "emotionally handicapped" in RSA 186-A.

HB 729, amending the charter of New England College.

HB 804, relative to interstate cooperation concerning disposal of containers and solid waste.

HB 304, regulating the crossing of public utilities lines over railroad property.

HB 322, requiring all commercial eating establishments or places where food is served to post in a conspicuous place a graphic display of the Heimlich or similar maneuver.

HB 542, providing for the defense and indemnification of county officers and employees against certain claims.

HB 566, removing restrictions on the sale of prison products on the open market.

Rep. Anna Van Loan

For the Committee

SUSPENSION OF RULES

Rep. Nardi moved that the House and Joint Rules be so far suspended as to permit the introduction and consideration at the present time of a House Concurrent Resolution.

Adopted by the necessary two-thirds.

Rep. Nardi offered the following:

HOUSE CONCURRENT RESOLUTION NO. 15

urging the governor to submit to the department of housing and urban development a letter of intent to participate in a demonstration program to develop improved housing for the chronically mentally ill.

WHEREAS, the long-term provision of social services for former mental patients of the New Hampshire state hospital in their home communities and for other New Hampshire residents who are chronically mentally ill is and will continue to be a concern of the New Hampshire state legislature; and

WHEREAS, the legislature anticipates that it will need to provide continued financial support to the communities for the provision of such services to this vulnerable segment of New Hampshire's population; and

WHEREAS, the department of housing and urban development is initiating a demonstration program to develop improved housing for the chronically mentally ill and requires that the governor of each state interested in participating in the program to submit a letter of intent; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring: that we urge the Honorable Hugh J. Gallen, governor of the state of New Hampshire, to submit a letter of intent to participate in said program; and be it further

RESOLVED, that a copy of this resolution be transmitted to the Governor and to the secretary of the department of housing and urban development.

The Assistant Clerk read the Resolution.
Adopted unanimously.

UNANIMOUS CONSENT

Rep. Felch addressed the House under unanimous consent.

Mr. Speaker and members of the House: The Appropriations Committee has reported over 100 bills for us to consider this week including some referred to them only just last week and those introduced only on Tuesday. They handled them without complaint and did a clear, good, thorough job, working until late evening hours so that they would be available to explain their reports and defend them on the floor for three days, with two of them being extremely hot bills.

The operating budget, in particular, was presented clearly and in a timely manner so that members could study it. I firmly believe that they have done a wonderful job and the House should commend them for the efforts.

Rep. Sytek moved that Rep. Felch's remarks be printed in the Journal.

Adopted.

Rep. French moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this motion, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet Tuesday, May 22 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 60, increasing the discount in sales of liquor and wine to on-sale licenses.

HB 88, establishing the office of ombudsman within the state council on aging and making an appropriation therefor.

HB 245, relative to commissions on pari-mutuel wagering pools, and taxes thereon.

HB 327, establishing the air resources commission and the air resources agency as an independent commission and agency, providing for the transfer of funds, equipment and personnel thereof, and repealing certain provisions of the RSA.

HB 380, providing full credit to group I members of the New Hampshire retirement system for all service rendered after July 1, 1979.

HB 388, relative to the judicial budget procedure.

HB 389, providing cost of living increases for retired members of New Hampshire retirement systems and making an appropriation therefor.

HB 408, increasing the construction appropriation for regional vocational education centers.

HB 442, relative to neglected children in foster care.

HB 462, relative to public guardians and making an appropriation therefor.

HB 469, establishing a statewide elderly discount card program.

HB 473, reimbursing the town of Franconia for certain lost revenues and making an appropriation therefor.

HB 476, establishing a unified medical examination system.

HB 483, relative to the commission of children and youth and making an appropriation therefor.

HB 486, relative to post-release plan: for persons discharged from New Hampshire hospital and making an appropriation for community mental health services.

HB 487, increasing the monthly allowar to residents of shared homes who receive public assistance and making an appropriation therefor.

HB 490, establishing an advisory committee on mental health funding, and establishing an oversight committee for New Hampshire hospital and Glencliff home for the elderly study and making an appropriation therefor.

HB 496, creating a committee to review and evaluate the planning and service functions of sub-state regional organizations and districts and making an appropriation therefor.

HB 498, establishing a commission to develop a statewide water supply policy ar comprehensive plan for management of water supply demands and resources and making an appropriation therefor.

HB 506, relative to running and harnes horse racing.

HB 516, simplifying the procedures for registering motor vehicles by designating certain municipal officials as agents.

HB 518, relative to the fees for testi certain water samples.

HB 529, relating to the powers of th commissioner of public works and highway

HB 531, relative to the application expenditure of federal funds and making appropriation therefor.

HB 538, providing business profits t deductions for certain energy and resour conservation investments.

HB 540, relative to the division of records management and archives.

HB 678, establishing a statewide he: coordinating council, designating a stat health planning and development agency : prescribing powers and duties.

HB 701, to establish a division of occupational licensing, certification a: registration and to recodify and standa the statutes of various occupational ho

HB 724, designating the bureau of v records and health statistics as the he statistics center for New Hampshire and making an appropriation therefor.

HB 757, amending various provisions of the unemployment compensation act.

HB 769, amending the public employee labor relations law.

HB 796, to improve services to the developmentally impaired.

HB 808, to conform the state unemployment compensation law to federal requirements specified in PL 94-566 amended.

HB 832, relative to the treatment of alcoholism.

HB 835, reorganizing the program on alcoholism and drug abuse.

HB 839, redefining the term "permanent policemen" as used in RSA 100-A, relative to the New Hampshire retirement svstem.

HB 853, relative to legal representation

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